

A N

Attorney's Practice Epitomized :

7.

O R,

The METHOD, TIMES and EXPENCES of
Proceedings in the Courts of

King's Bench and Common Pleas.

From the Commencement of a Suit, to the Trial, final Judgment and Execution; so advantageously placed in opposite Columns, as to shew at one View, the Agreement or Difference in the Practice of the said Courts : Whereby many Defaults and Irregularities (which frequently happen) may be prevented, and Business transacted, either in TOWN or COUNTRY, with Ease, Expedition and Certainty.

Perused by several Officers of the Courts, and by many eminent Attornies and Agents in LONDON.

A NEW EDITION, corrected; with the articling of Clerks, and admitting Attornies in each Court; of discharging Bail, and other Improvements.

B.
L O N D O N :

O
Printed by W. STRAHAN and M. WOODFALL, Law-Printers to His Majesty;

For P. URIEL, in the *Inner Temple Lane*; and B. TOVEY, in *Bell Yard*, near *Lincoln's Inn*.

MDCCLXXIII.

S
uK
991
ATT

Articled Clerks and Attornies.

K. B.

C. P.

ARTICLED Clerks have no *Privilege* they must actually serve during the whole Term of five Years, unless the Master dies or leaves off Business, and then he may be discharged by Rule or Order of Court, and be bound to another inrolled Attorney for the Remainder of the Time; an Affidavit must be made, executed, and filed, of such second Contract, by one of the subscribing Witnesses. 22 Geo. 2. c. 46. §. 15. See 2 G. 2. c. 23. §. 9, 12.

Clerks bound to Attornies must cause Affidavit to be made within three Months after the Execution of Articles of Clerkship; the Names and Places of Abode of the Parties to be inserted in such Affidavit, with the Day of the Date of the Contract, same to be filed with the proper Officer in the Court where his Master is admitted, in a Book to be kept for this Purpose. 22 Geo. 2. c. 46, §. 3.

Clerk who gave a Consideration, if discharged from Master before Expiration of his Time, may have a proportionate Moiety returned, on applying to the Court by Motion, to have the Matter referred to the Master; on whose Certificate of the Sum proper to be refunded, Court will order the Attorney to pay same. *Barnard K. B.* 331. 2 *Barnard, B. R.* 227.

Clerk, before admitted, must by Self or Master, make Affidavit, that he has actually and really served and been employed by such Attorney or Attornies to whom bound, or his or their Agent or Agents, during the said whole Term of five Years. 22 Geo. 2.

Clerks whose Masters died before the Expiration of the five Years, and before 25th March, 1749, and who have served the Remainder of the Term to an Attorney of one of his Majesty's Courts, though under no Article or Contract in Writing, may be admitted Attornies. 22 Geo. 2.

Clerk shewing that he has served five Years to a Solicitor in Chancery, may be admitted an Attorney without Fee or Stamp. 23 Geo. 2.

Clerk serving a Prothonotary or Secondary of either Court five Years, may be admitted an Attorney, 2 Geo. 2.

A Clerk to an Attorney who practises also as a Scrivener, if by the Tenor of his Contract, is to be instructed in the Art of a Scrivener only, cannot be admitted an Attorney, 2 Geo. 2. *Barnes* 39.

K. B.

C. P.

Method of Admission.

Method of Admission.

Having made an Affidavit of Service, as directed by Statute, before a Judge or an Officer of the Court authorized to take same, carry the Part of your Articles signed by your Master, with his Certificate of your faithful Service indorsed thereon, (if he does not accompany you himself), to one of the Judges of the Court at his Chambers, who examines you with respect to your Qualifications, and if approved gives his *flat* for Admission.

A 2

Mr.

K. B.

Mr. Rymell must attend with you at the Judge's Chambers to produce the original Affidavit, of the due Execution of the Articles. On obtaining Judge's *Fiat*, give same to Mr. Rymell, who will ingross your Admission on a treble 40 s. stamped Piece of Parchment. You then attend at *Westminster Hall*, some Day in Term, to be sworn, and have your Admission signed by the Court; the Master will then enter your Name on the Roll.

The Clerk of the Warrants will then enter your Name on the Roll.

The whole Expence is about seven Guineas.

C. P.

The Deputy Clerk of the Warrants, must attend with you at the Judge's Chambers to produce the original Affidavit, of the due Execution of the Articles. On obtaining Judges *Fiat*, give same to the Deputy Clerk of the Warrants, who will ingross your Admission on a treble 40 s. stamped Piece of Parchment. You then attend at *Westminster Hall*, some Day in Term, to be sworn and have your Admission signed by the Judge who examines you; the

K. B.

The proper Officer is to Cause an Alphabetical Book to be prepared and publicly kept in his Office, to be there inspected *gratis*, wherein every Practising Attorney, resident in *London* or *Westminster*, or within ten Miles thereof, shall Cause his Name and Place of Abode, or some other Place within the said Cities where he may be served with the Proceedings of the Court, and as often as any such Attorney shall change the Place where he may be served as aforesaid, shall make the like Entry thereof in the said Book, and that all Proceedings which do not require personal Service, shall be deemed sufficiently served if Copy thereof shall be left at the Place last entered in such Book, with any Person there; and on no such Entry being made, then fixing up any of the said Proceedings in the *King's Bench* or *Common Pleas* Office shall be deemed sufficient Service unless personal Service be required. See Rule of *Hilary Term*, 8 Geo. 3. B. K. and Rule of *Hil. Term*, 9 Geo. 3. C. P.

C. P.

Actions.

Within what Times to be brought.

Case, except for Slander; *Account*, except concerning Merchandize between Merchant and Merchant; *Trespass*, Debt, (except on Specialty;), *Detinue*, *Trover*, *Replevin*, and *Trespass quare clausum fregit*, to be brought in six Years after Cause of Action; *Affault*, *Menace*, *Battery*, *Wounding* and *Imprisonment*, in 4 Years; and *Slander* in 2 Years; But Infants, Feme Coverts, Persons *Non Compos Mentis*, imprisoned or beyond Sea, may sue within said Times after full Age. Discoverd, Sane Memory, at large, or returned, &c. *Stat. 21 Jac. 1. c. 16.*

Affidavit for Bail.

When Debt. is to be held to Special Bail, as when the Debt is 10 l. or more, Affid. of the Cause of Action must be made, which may be sworn before a Judge, Comr. of the Court, or the Officer or his Deputy, who issues the Process. Stamp 3ble 6 d. Oath 1 s. Nothing filing; but where the Debt is under 10 l. the Debt. is not to be arrested and held to Bail, but must be served with a Copy of the Process only. And Note; The Courts at *Westm.* will take Cognizance of no Action where the Debt is under 40 s.



Process.

K. B.

Of suing it out.

C. P.

Bill of Midd.] Make a Precipe, get a Blank Bill (four 6d. St.) fill it up, carry the Precipe, Bill, (and Affidt. if bailable) to the Bill of *Midx.* Office, and the Officer will sign it, (in Term 6d. in Vac. 10d.) It is not to be sealed. If bailable, the Sum sworn to must be indorsed: And if it is not executed before the Return, sue out an *AP*, or after that a *Plur'* (signing each in T. or Vac. 2d. For a *Non Omit.* Bill pay the same as for a Common Bill.

Lat.] Make a Precipe, get a Blank (four 6d. St.) fill it up; carry the Precipe, *Lat.* and Affidt. (if bailable) to the K. B. Office, and Mr. *Heberden* will sign the *Lat.* (2s. 6d.) Sealing 7d. if bailable, the Sum sworn to must be indorsed. If *Lat.* be not executed, sue out an *AP*, (or after that a *Plur'*.) Pay nothing for signing either. 7d. Sealing each. After the 1st *Plur'* a 2d, &c. for 4 Terms from the suing out of the *Lat.* and after that a new *Lat.*

Non Omittas.] If Deft. lives in a Liberty, sue out a *Non Omit.* If a *Lat.* has been sued out before, pay nothing signing and sealing; if not, 2s. 6d. signing, and 1s. 2d. sealing.

Att. of Privilege.] Make a Precipe; ingross the Att. (four 6d. St.) get it signed by Mr. *Heberden*, pay him nothing, (unless Affidt.) 1s. Seal 7d.

Ca.] Make a Precipe; take it to the proper Filazer, (and the Affidt. if bailable) and he will make out the *Ca.* Pay, if he finds St. 4s. 6d. if 4 Defts. or less. Then get it sealed at the Seal Office. If bailable, the Sum sworn to must be indorsed. And if it is not executed before the Return, sue out a *Ca.* by *Con.* (to the Filazer 2s. 10d. and for every *Post Ter'* 4d.) Sealing 7d. and after that another *Con.* &c.

Test. Ca.] If the Action is bailable, and the Deft' lives in one County, and you would try the Cause in another, make out a *Test.* into the County where Deft. lives; in which Case only a *Test.* is necessary; but otherwise, if you declare out of the County, the *Plt.* will lose his Bail; but on a common *Clau-sum fregit*, *Plt.* may declare in any County on any Cause of Action. Make a Precipe, &c. as before. Or if you take out a *Ca.* and before it is executed Deft. goes out of the County, make out a *Test. per Con.* into the County where he is gone to. To Filazer for *Test.* 7s. Sealing 1s. 2d. and for *Test. per Con.* 4s. 10d. Sealing 7d.

Non Omittas.] If Deft. lives in a Liberty, you may sue out a *Non Omit.* by making a Precipe, &c. as before, Pay to the Filazer 8s. 6d. Sealing 1s. 2d. and for a *Non Omit. Test.* to Filazer 11s. 10d. Sealing 1s. 9d.

Att. of Privilege.] Make a Precipe; ingross the Att. (St. 2s.) get it mark'd by the Clerk of the Warrants, sign'd by Prothon. (nothing paid for either.) Seal 1d.

Of Executing it.

When an Action is not bailable, Deft. is to be personally served with Copy of Process, with Notice subscribed of the Intent of the Service: But if bailable, give the Writ to a Sher. Officer, who will get a Warrant thereon (in *Middlesex* 4d. *Essex*, *Surrey* and *Kent*, 6d. in other Counties Sheriff's Warrant usually, 2s. 6d.) upon which he will arrest Deft.

Com-

Common Bail.**K. B.***With whom to be filed.*

St. 1 s. 6 d. file it with Clerk of the Com. Bails. Pay in Term 1 s. 2 d. but if not filed before Vac. of same Term, Process is returnable, 4 d. more for *Post Ter.* But you don't pay for another *Post Ter.* till the Vac. of the subsequent Term.

When to be filed.

By Defendant in 8 Days after Return of Process; or after then, By Plaintiff, according to the Stat. Affidavit of serving Process being made, which may be sworn before a Judge, Comr. or Officer for entering common Appearances or his Deputy, and filed *gratis*. Stat. 5 Geo. 2. c. 27.

With the Clerk of the Rules.

Where the Appearance is entered.

Special Bail on Capi Corpus.**K. B.***When to put it in.***C. P.**

If Deft. be arrested in *London* or *Middx.* he must put in special Bail to the Action: in 4 Days (*exclusive*) after Return of the Process in *B. R.* or after App. Day in *C. B.* or the Bail-Bond may be assigned. And if arrested in any other County,

In 6 Days. *Mich. 8 Ann.*In 8 Days. *Hil. 9 Ann.*

But if the last Day of the said Times hap. on a *Sunday*, it may be put in the next Day.

*How to put it in.*1. *In London.*

Ingross the Bail-Piece on a double 1 s. stamp'd Piece of Parchment; carry it to a Judge's Chambers, and having the Bail with you ready, apply to the Judge's Clerk to take the Bail, to whom you pay 4 s. in Term, and 5 s. in the Vac.

Go to the Filazer, and he or his Clerk will attend the Court or Judge to take the Bail, which in *London* and *Middlesex* is done by an Entry in the Filazer's Book, and not by a Bail-Piece; and if it is *ad fest.* a privileged Person; the Prothonotary's Clerk will attend the Court or Judge. But in the Filazer's Absence it may be taken in the Judge's Chambers on bringing a true Abstract of the Writ. Pay 5 s. in Term., and 12 s. in Vac. at the Judge's, and 4 s. 6 d. to the Filazer.

K. B.2. *In the Country.***C. P.**

Take the Bail-Piece to a Comr. of the Court, and he will take the Recognizance. Affidavit of taking it must be made either before a Judge of the Court to whom the Bail-Piece shall be transmitted, or before a Comr. which must be annexed to the Bail-Piece.

Notice of putting it in.

1. Immediately after putting in Bail before a Judge, Notice thereof should be given to the Plaintiff's Attorney, that he may inquire into the Sufficiency of it.

2. If put in before Comrs, Notice must be given within 4 Days after Caption. *M. 13 Geo. 1 C. B.*

*When***Appearance.****C. P.***With whom to be entered.*

Must be entered with the Officer where the Process issued, as upon a *Ca.* with Filazer, and upon Attach. of Privilege with Prothon. Pay 3 s. 10 d. at Filazer's 2 s. 6 d. for one Def. Several sued jointly, 2 s. 6 d. for 1st Deft. and 4 d. every other Deft. If sued separately 2 s. 6 d. every Deft.

When to be entered.



K. B.

When to be Transmitted.

C. P.

If taken by a Comr. within 40 Miles of *London* and *Westminster*, to be Transmitted to a Judge of the Court, to be by him allowed.

In 8 Days after Caption.

In 10 Days after Caption.

And if taken above 40 Miles from *London* and *Westminster*.

In 15 Days.

In 20 Days.

Unless all the Judges be in their Circuits, and then as soon as any of them returns to *London*. T. 4 W. & M. B. R. & E. 5 W. & M. & H. 6 Geo. 1. C. B.

When Filed, after Transmitted.

In C. B. as soon as Bail-Pieces Transmitted, it must be filed with Filazer (pay him 6s.) or Prothonotary, as the Case is. H. C. G. 1. M. 6 G. 2. But not without Leave of Court, if not Transmitted in the Times above limited, M. 6 G. 2. But in B. R. it remains at the Judge's Chambers till the Bail is perfected.

K. B.

Excepting against Bail.

C. P.

1. *In what Cases.*

After Assignment of Bail-Bonds, if same Bail be put in above as were Bail to the Sheriff, Plaintiff may not except against it. Adjudged Mich. 1742 *Pyke versus Pindlebury*.

In all Cases wherein Bail-Bonds are taken, and the same Bail is put in above, Plaintiff may except against it. M. 6 G. 2.

Bail can't be excepted to after Decl. delivered, unless it be delivered *De bene esse*.

2. *In what Times.*

If put in *before a Judge*, Exception to be in 20 Days after Notice of putting it in (M. 16 C. 2. B. R.) and not afterwards, (M. 8 An. B. R.) Same Practice in C. B. If put in *before a Comr.* Exception to be within 20 Days after Transmitted, and Notice of taking thereof. T. 4 W. & M. B. R. & E. 5 W. & M. C. B.

3. *How to except against Bail.*

Exception against Bail is made in the Bail-Book at the Judge's Chambers.

Except. is made in *London* and *Midlesex*, in the Fila. Book, and in other Counties under B. Piece filed at the Fila. of the Co.

4. *Notice of Exception.*

To be given in Writing to Defendant's Attorney or Agent. E. 5 G. 2. B. R. Same Practice in C. B.

5. *When Filed, where no Exception.*

In B. R. if Bail be not excepted against within 20 Days after Notice of putting it in, then upon Affidavit of the Notice indorsed on the Back of the Bail-Piece (for which Oath no Fee to be taken) the Bail to be filed by Defendant's Attorney, within 4 Days after the End of the said 20 Days. Mich. 16 C. 2.

*Perfecting Bail.*1. *When.*

If *Not. of Except.* be given in Term, the Bail must justify in 4 Days after such Notice, or Deft. must add other Bail, who must justify within the said 4 Days. But if *Except.* and *Not.* thereof be in *Var.* the Bail put in, or additional Bail, must justify on 1st Day of next Term. E. 5 G. 2.

The Defendant must perfect his Bail in 4 Days after Exception, or Plaintiff may proceed on the Bail-Bond. T. 3 & 4 G. 2. N. B. This Rule must be intended when Exception and Notice is in Term, as in B. R.

2. *Notice*

K. B.

2. Notice of Justifying.

C. P.

2 Days Notice of Justification must be given, exclusive of the Day it is given, and if *Sunday* intervenes, 3 Days Notice.

3. Where.

Justification must be in Court ; but by Consent of Plaintiff's Attorney, it may be at a Judge's Chambers,

4. How.

In Court.

Get the Clerk of the Judge before whom the Bail was taken, to bring the Bail-Piece into Court. (Pay him 2*s.* 6*d.*)

Get the Filazer or his Deputy to attend with the Bail-Book or Bail-Piece. (Pay him 3*s.* 4*d.*)

Have the Bail ready with you in Court; and move by Counsel to justify, by Oath in Court. But if the Bail be taken before a *Comr.* and an Affidavit be made before a *Judge*, or the *Comr.* the same may be read in Court for Justification. *T. 4 W. & M. B. R. E. 5 W. & M. C. B.*

Before a Judge.

The Bail-Piece remains at the Judge's Chambers till the Bail be perfected: Bring the Bail there to justify; pay in Term 1*s.* in Vac. 2*s.* each Person.

Get the Filazer to attend at the Judge's Chambers, (pay him 3*s.* 4*d.*) and have the Bail there. Pay at the Judge's 2*s.*

Note; When Bail is taken in the Country, an Affidavit of Justification is usually annexed to the Bail-Piece, and then Exception is seldom taken; but if it be, the Affidavit may be produced either in Court or by Consent before a Judge for Justification: But to prevent Exception when you give Notice of the Bail put in, 'tis usual to send a Copy of the Affidavit of Justification with it,

Filing Bail.

When Bail is accepted, the Bail-Piece must be filed with Mr. *Heberden*. Pay 4*d.*

On Bail being put in before a Judge, or transmitted from a *Comr.* it is immediately filed with the Filazer.

Surrender and Discharge of Bail.

K. B.

C. P.

Bail to Sheriff must put in and justify Bail above before they can take and render Principal Bail, when Bond assigned, must put in and perfect their Bail and then apply to Court, or by Summons before a Judge, to stay Proceedings on Bail-Bond assigned, before they can take or surrender Principal. Bail being put in and perfected, in order to surrender Defendant, Bail may bring him to a Judge's Chambers, or he may voluntarily surrender himself, for which Purpose the Judge's Clerk will take the Render.

Fees, are as follow; viz. 8*s.* 6*d.* to Tipstaff 10*s.* 6*d.* then give Plaintiff's Attorney Notice in Writing of the Render, there must be an Affidavit of Service of this Notice, before Officer who hath the Custody of the Bail-Piece will deliver same to be filed, on producing Affidavit sworn, he takes same and keeps it as his Voucher, and delivers Bail-Piece to the Attorney to be filed. Marshal or (Gaoler) will give a Certificate that Defendant is in his Custody, which you must

Fees are as follow. To Judge's Clerk for Render 4*s.* Prothonotary or Filazer (as the Cases may be) 6*s.* Plaintiff's Attorney must have immediate Notice of Render in Writing, and an Affidavit must be made of Service of this Notice, before Officer who hath the Custody of the Recognizance will deliver same to be filed, or discharge the Bail in his Book; on producing Affidavit sworn, he takes same and keeps it as his Voucher and delivers Recognizances to the Attorney.

K. B.

carry with Bail-Piece to Mr. Heberden, he files Certificate, and thereupon he discharges Bail-Piece; pay Marshall for Certificate 3 s. 6 d.; Mr. Heberden for filing and discharging Bail-Piece 4 d.; you pay him 4 d. each Post Term, this done you enter *Committitur* in the Clerk of the Judgments Book in the King's Bench Office; for which you pay 4 d. and then render is Complete. Under the Commitment must be added the State of the Cause at Time of Surrender, *viz.* If before Declaration, the Sum sworn to on Arrest, if Declaration filed or delivered, to Sum sworn to must be added, "Declaration filed or delivered." Issue joined, or Interlocutory Judgment signed, as Case is, if after final Judgment in Debt, the Debt and Damages as in other Cases, *quantum* of Damages. Rule *Easter 8 Geo. 3.*

If Defendant is in Custody at the Suit of another Plaintiff, the same Practice as in C. P. *mutatis mutandis.*

C. P.

Attorney to be filed, or discharge Book (as Case may be.) Warden (or Gaoler) will give you a Certificate that Defendant is in his Custody, which you must carry with Recognizance to the Prothonotary's or Filacer's Office, who files Certificate, and thereupon discharges Recognizance. Pay Warden for Certificate 3 s. 4 d. Prothonotary for filing and discharging Recognizance, 4 d.

If Defendant is in Custody also of another Plaintiff, you must make out a *Habeas*, (*vide* same under Head of *Habeas*) and lodge it with Gaoler in whose Custody Defendant is, and he will bring him into Court, or to a Judge's Chambers, (as the Case may require) in order that he may render himself, or that his Bail may do it; and the same Steps must be taken by the Bail to complete Render, as where Defendant is at large; only *Habeas* and Return thereof is left with Judge, and return of *Habeas* marked on Surrender, signed by him, which is carried over to Gaoler, into whose Custody Defendant is rendered. When render made, Attorney must get a Tipstaff to carry him over to Warden or Gaoler. The Fee to Tipstaff is 6 s. 8 d. or 10 s. 6 d.

Declaration.

If Deft. appears, Decl. should be of that T. the Writ is returnable in K. B. but in C. P. it need not.

K. B.

Drawing and ingrossing it, &c.

C. P.

To be ingrossed on treble 1 d. stamp'd Paper, and charg'd for on the Back. Copy *per* fo. 4 d. and the Duty 3 d. a Sheet and Warrant, *viz.*

Warrant in any Action 4 d. Filing Common Bail according to the Statute 7 s. 2 d.

Warrant in Debt, *Trespass*, and *Detinue*, 4 d. in other Actions 8 d. App. according to the Stat. 5 s. 10 d. It at the Suit of an Attorney 7 s. 2 d.

Delivering or Filing it.

1. When Defendant appears.

If Defendant's Attorney has appeared, Plaintiff's Attorney must deliver Decl. to him, whereupon he must pay for the same, Duty and Warrant; or on Refusal by him, or his Clerk in his Absence, (or if his Abode be unknown,) it may be left in the Office, and then on Notice thereof to Defendant or his Attorney (from the Time of giving said Notice, and not before, Decl. is well delivered) and on Rule to plead given, Judgment for Want of Plea may be

B

signed.

signed. And no Plea may be received till Decl. &c. paid for. 7. 12 W. 3. & 1. 2 G. 2. B. R. Same Practice in C. B.

2. *When Appearance entered according to the Statute.*

In all Cases where Copy of Process is served, and Com. Bail is filed, or Appearance entered, according to the Stat. Copy of Decl. must be left in the Office, and Notice thereof given to Deft. or left at his last or usual Place of Abode, from the Time of which Notice Decl. is well delivered; and if Deft. don't plead within 8 Days, (a Rule to plead being given, and out) Judgment may be signed without further calling for Plea. Trin. 1 G. 2. B. R. Mich. 1 G. 2. C. B.

3. *General Rule for delivering Declaration on Process returnable 1st or 2d Return.*

Upon all Process ret. 1st or 2d Ret. of any Term, if Plaintiff declares in Lond. or Midx. and Deft. lives within 20 M. of Lond. Decl. must be delivered with Not. to plead within 4 Days after Deliv. in which Time Deft. must plead without imparl. And if Plaintiff declares in any other County, or Deft. lives about 20 Miles from Lond. Decl. to be deliv. with Not. to plead in 8 Days without Imparl. or Judgment may be signed. Trin. 5 & 6 G. 2. B. R. Mich. 3 G. 2. & East. 3 G. 2. C. B.

4. *Of delivering Declaration on Process, returnable on other Returns.*

If the Process be ret. on any other Return, the Deft. is intitled to an Imparl. and in such Case, Notice to be, for Deft. to plead within first 4 Days of next Term.

K. B. *When it may be delivered De bene esse.* C. P.

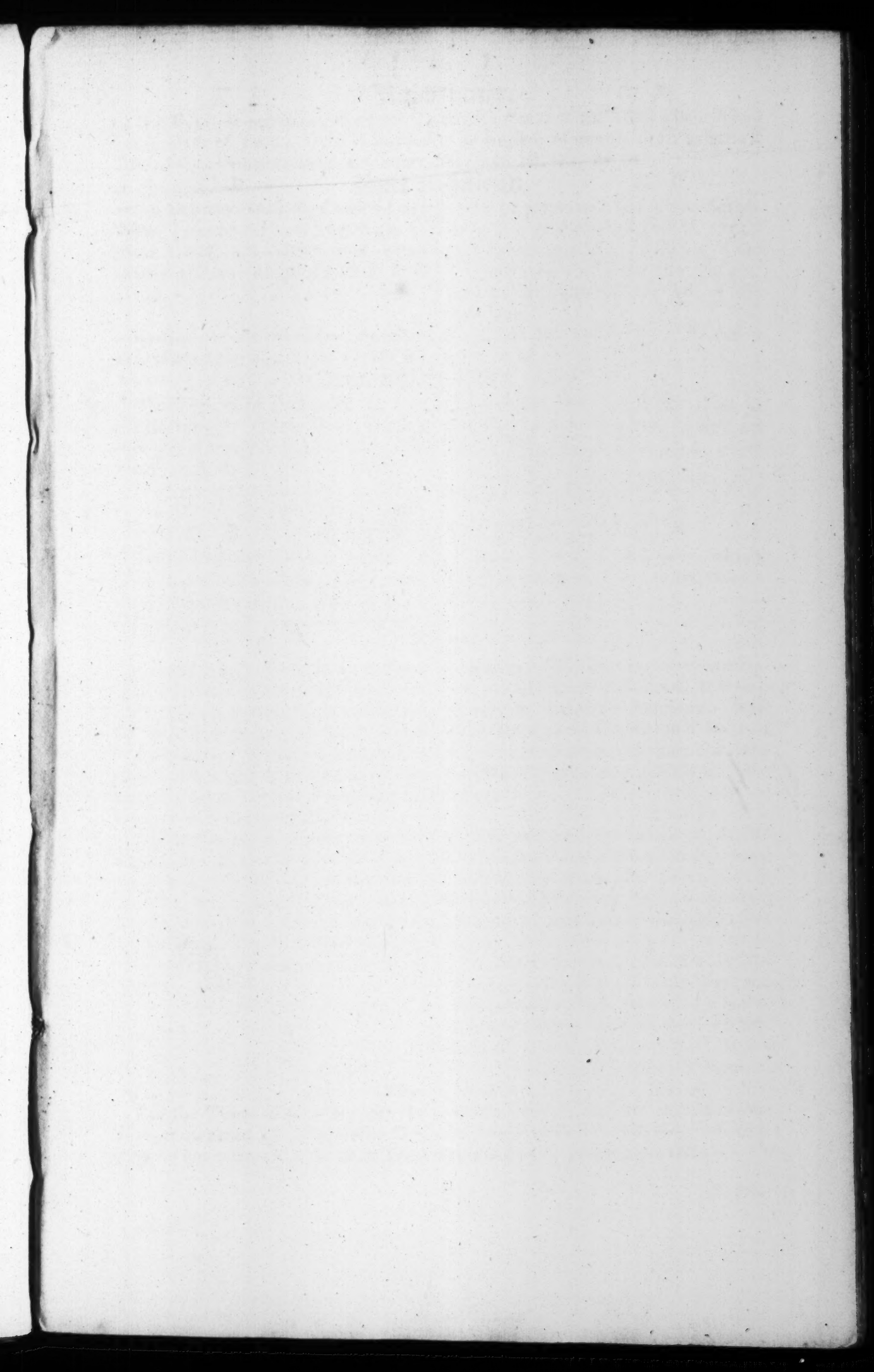
Upon all Process returnable 1st or 2d Return of any Term, Declaration may be delivered *De bene esse* at the Return of the Process, with Notice to plead, viz.

If no Affid. of the Cause of Action be filed in 8 Days after the Deliv. and if Deft. don't file Com. Bail, and plead in said 8 Days, Plt. may file Com. Bail accord. to the Stat. and sign Judgment, Rule to plead having been duly entered. But if Affid. be filed, then in 4 Days after Delivery, if the Action be laid in Lond. or Midx. and Deft. lives within 20 Miles of Lond. and in 8 Days if in any other County, or Deft. lives above 20 Miles from Lond. and if Deft. puts in Bail, and does not plead in the said respective Times, Judgm. may be signed, a Rule being duly entered. M. 10 G. 2.

As in the General Rule beforementioned. And where a Common Appearance is only required, if Defendant does not enter it, and plead in Time, (a Rule to plead being given) Plaintiff may enter Appearance according to the Statute, and sign Judgment: And where Defendant has put in Special Bail, and does not plead in Time, (a Rule to plead being given, and the Time out,) Judgment may be signed by Default. M. 3 G. 2.

When it may be delivered by the By.

If a Defendant is in Custody of the Marshal, *ad sect. J.S.* or has filed Com. Bail to an Action at his Suit, any other Plaintiff may declare against him of the same Term he is committed, or put in Bail, without taking out further Process for him to answer. *Lil. Praet. Regist. Tit. Decl.*—And where Plaintiff in any Action files Com. Bail according to the Statute, he may deliver a Decl. by the By against Deft. but no Person except such Plaintiff may deliver a Decl. by the By against any Deft. by reason of the same Com. Bail being filed. M. 10 G. 2. B. R.



K. B.

Imparllance.

C. P.

If a Decl. be not delivered or filed, and also Notice of the filing given before last 4 Days of Term, Deft. is intitled to an Imparl, of course. And so he is if Decl. be on Procefs return. any other Ret. than 1st, 2d, or 3d.

K. B.

Rule to Plead.

C. P.

To be given with the Clerk of the Rules (1 s. 10 d.) and (by Rule of Trin. 1 G. 2.) Deft. must plead within 4 Days (*exclusive*) after it is given.

To be given with the proper Secondary (1 s. 10 d.) which (by M. 1654.) will be out in 4 Days, *inclusive* of the Day whereon it is given: But Judgment may not be signed till the Aft. of the next Day.

Sunday, or any Holiday, on which the Court does not sit, is reckoned a Day within the said Rule, except it happens to be the last of the 4 Days.

Demanding Plea, &c.

Pleadings to be demanded by Notice in Writing, (In C. B. before Nine in the Evening.) Where Decl. is filed, and Notice thereof given, (unless *De bene esse*) there's no Need of further calling for Plea. E. 10 G. 2. C. B. Same Pract. in B. R.

If Plea is demanded after Rule for pleading is out, the Defendant has only to the Aft. of the next Day to plead.

K. B.

Searching for Plea.

C. P.

Before you sign Judgment, search the Gen. Issue-Book with Mr. Child; and if no Plea there, search the Plea-Book with the proper Clerk of the Papers.

Before you sign Judgment, search the Plea-Book at the Prothonotary's Office, for a Plea.

K. B.

Plea.

C. P.

General Issue.] Enter it in a Book with the Clerk of the Judgments (pay 4 d.) or may be written on treble 1 d. St. and delivered as in C. P. which is most usual. The Book Pltff's Att. may search; and when he finds a Plea entered, he writes it in Form after his Decl. and delivers the Issue.

General Issue is pleaded on treble 1 d. St. No Counsel's Hand, and delivered to Plaintiff's Attorney. But if he's not to be found, or if he refuses to accept it, it may be left in the Prothonotary's Office. M. 1654.

Special Plea to be written on treble 1 d. St. signed by Counsel, (in C. P. by a Serjeant; *Comperuit ad diem, Son Assault Demesne, Plene Administrawit, Riens per Discent, Ne unques Executor, Nul tiel Record, Per minas, Per Dures, Infra Aetatem, and Solvit ad Diem*, need no Serjeant's Hand; but *Non Assumpsit infra sex annos* does. *Cooke's Rep. & Ca. Pra. C. B. 41.*) and if dilatory, Affidavit of the Truth thereof must be annexed.

It must be left with the Cl. of the Pap.

It may either be delivered to Deft's Attorney (which is the usual Way) or filed with Prothon. and then Deft's Attorney must take it out of the Office.

When to Plead.

For the Times of pleading, see the General Rules, Tit. Decl. In *Abatement*, Deft. must plead in 4 Days after Declr delivered or filed; unless in Vac. and then he has 4 Days in the next Term to plead, as of preceding Term.

K. B. Replication, Rejoinder, &c. C. P.

To compel Plaintiff to reply, get a 4 Day's Rule from the Master, which you enter with the Cl. of the Rules, and serve on Pltff's Attorney (pay 1 s. 10 d.) and if he does not reply in Time, Demand being made, sign *Non prof.*

To compel Plaintiff to reply, give a Rule with the Secondary (for which pay 1 s. 10 d.) and demand a Replication. Such Rule and Rule to rejoin, may be given within 16 Days after Term.

K. B. Paper-Book. C. P.

Carry Decl. to Cl. of the Papers, and he will make up Paper-Book, and give Rule for Deft. to receive, and return it to be entered in 4 Days. (Pay Cl. Pa. 8 d. per Fo. besides Stamps.) Deliver Paper-Book to Deft's Attorney, with Notice of Trial on the Back. and if he does not return it according to the Rule, sign Judgment, and execute Inquiry; but if he returns it in Time, and pays you 8 d. per Fo. for the Pleadings on his Part, and 4 d. per Fo. for the Pltff's Entries, proceed to Trial.

Paper-Book is not made up on Pleading specially, as it is in B. R.; but the Issue is made up as in common Cases.

K. B. Issue. C. P.

When Issue is joined, make it up; copy the same on treble 1 d. stamp Paper to deliver. Charge on the Back.—Copy 4 d. per Fo. the Duty 3 d. every Sheet.

And Ent. Plea 1 s.

And Ent. Plea 2 s.

Which, upon the delivering to Defendant's Attorney, he must pay. And upon the Back of the Issue you generally write the Notice of Trial.

K. B. Notice of Trial. C. P.**I. At the Sittings in London and Middlesex.**

If Defendant lives within 40 Miles from London, 8 Days Notice, exclusive of the Day 'tis given. If above 40 Miles, 14 Days exclusive. 2 Lilly 242. B. R. M. 1654. C. B. By Stat. 14 Geo. 2. c. 17. 10 Days at least.

II. At the Assizes.

Ten Days at least. Stat. 14 Geo. 2. c. 17.

III. On an old Issue, &c.

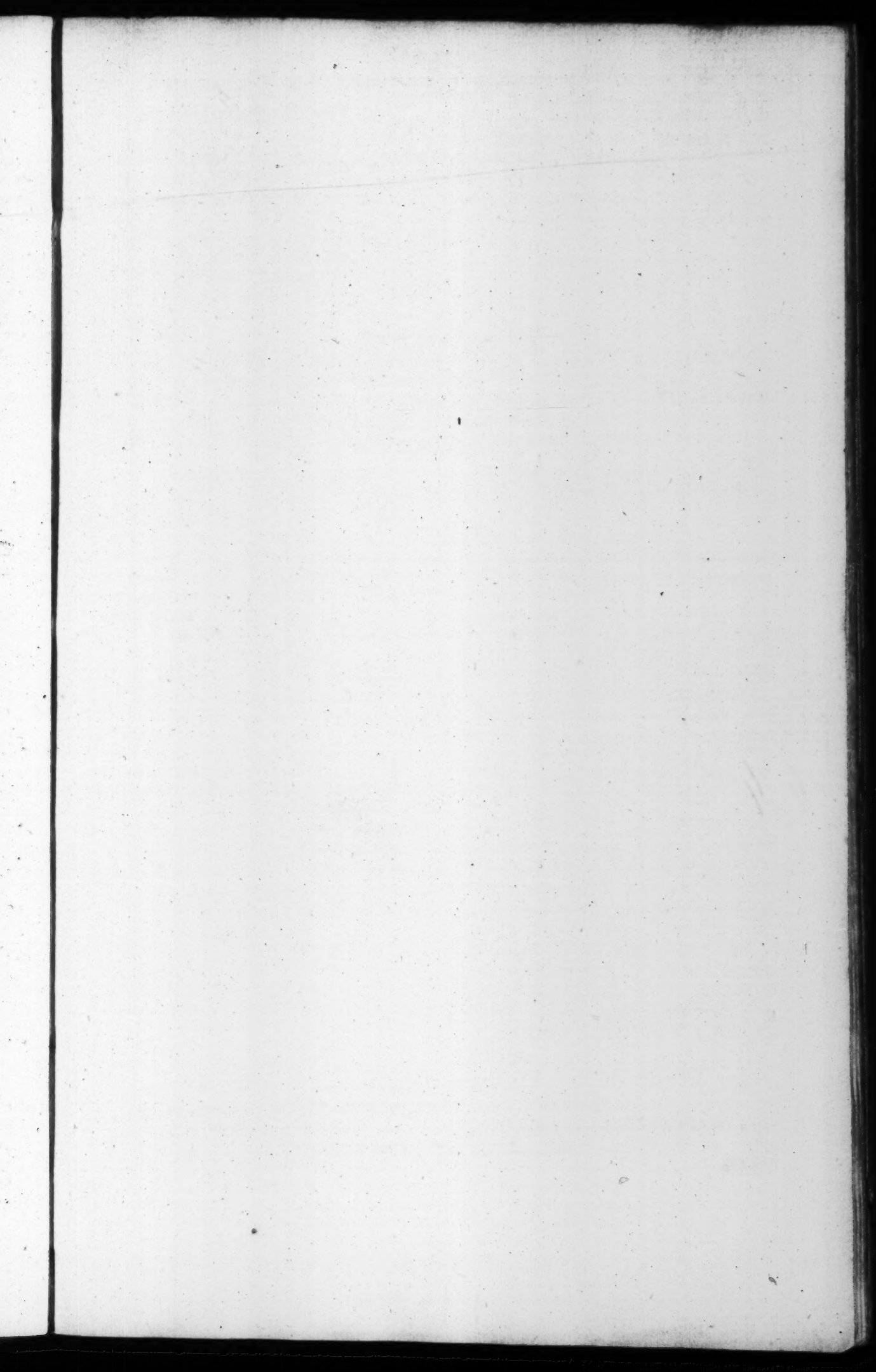
If a Cause has been 4 Terms after Issue joined, and in all Cases where there have been no Proceedings for 4 Terms, exclusive of the Term in which the last Proceeding was had, a Term's Notice must be given. Such Notice to be given before the Essoin-Day of the 5th or other subsequent Term; a Judge's Summons, if no Order made, is no Proceeding; but a Notice of Trial, though countermanded, is. M. 1654, and E. 13 Geo. 2. C. B. Same Practice in B. R.

IV. New Notice.

If Notice be given, and Cause not tried, but Plt. defers it longer than one Term after, a Term's Notice to be given. But if he tries it next Term after, no need of new Notice.

If Plt. gives Notice of Trial, and proceeds not, he can't try it without new Notice as before, unless by Consent or Rule of Court. M. 1654.

If



If Notice of Trial be given for a Sitting in *Lond.* or *Midx.* and the Cause not then tried, Plt. may try it in the next Sitting on 2 Days Notice; but if not tried then new Notice must be given, 2 *Lilly* 236. And if Defendant enters a *Ne recipiatur* in *Lond.* or *Midx.* and thereby hinders Plt. from trying his Cause that Sitting; he may try it the next Sitting, upon giving Notice during the first Sitting. *Mich.* 4 *An.*

In *London* or *Middlesex* if Notice be given for one Sitting, and the Plt. is not ready, he may give Notice before that Sitting, that he will try it the next Sitting. *M.* 1654.

V. Before Issue joined in C. P.

To prevent Delays in trying Causes, where a Plt. in Pleading concludes *ad Patriam*, Deft's Attorney to accept Notice of Trial upon the Back of such Pleading, whether the same be delivered or left in the Office; which Notice shall be as good as if Issue joined. *T.* 2 *Geo.* 1. *C. B.*

Countermand of Notice of Trial.

To be delivered in Writing at least 6 Days before the intended Trial. *St.* 14 *G.* 2. *c.* 17. Unless at theittings, and Deft. lives within 40 Miles, then 2 Days before.

Brief.

To contain an Abstract of the pleadings, a State of the Case, the Proofs necessary to be made, and what is supposed will be objected; with Answers to those Objections.

K. B.

Record of Nisi Prius.

C. P.

How passed,

To be ingrossed on a double 2s. 6d. stamp Parchment. The Issue, or an *Incipitur* thereof, to be entered on the Roll. Carry the Record and Roll to

The Clerk of the Judgments and the Issue Paper. Pay him for entering Issue not exceeding 10 Sheets, 3s. 6d. and 1s. for every 6 more. Then to Mr. Way's Office in *Portugal Street*, to whom pay 7s. 6d. for the first 8 Sheets of the Record, and 7s. for every 8 more; and if above 3 Weeks from End of Term 2s. for Judge's Warrant, and if on an old Issue, 2s. more.

The Prothonotary who signs the Record, pay 1s. and for entering Issue 2s. a Count, or if Special 8d. per Fo. File Warrants of Attorney with the Cl. of the Warrants, or carry them with the Record to the *Nisi Prius* Office, and the Clerk of the *Jurata's* will examine the *Jurata*; pay atittings 1s. at Assize, 6d. and then deliver the Warrants of Attorney (if not already filed) and the Record to Mr. *Brougham*, (who will take the Fee for the Warrants.) Pay him 2s. for first 3 Sheets, and 4d. for every other Sheet, and 2s. 2d. for the Seal. If 3 Weeks after Term, 2s. for Judge's Warrant.

K. B.

Genite Facias.

C. P.

You may buy a blank at a Stationer's, (2s.) fill it up.

Not to be signed.

Sealed (7d.) and returned by the Sheriff, (2s. 6d.)

Get it signed by the Prothon. 1s. 4d.

Distr'

K. B.
Dist' Jur.

Get a (four 6d.) stamp Piece of Parchment, (carry it with the *Ven.* to the Clerk of the *Habeas Corpora's* who will exam. &c.) write the *Distingas*. Not to be signed. Sealing 7 d.

before the Affizes, and bear *Tesse* the first Day of that Term, to Mr. *Harrison* No. 9. *Furnival's Inn.* the Clerk of the *Habeas Corpora's*, who will examine and sign it. (Pay in *Lond.* or *Middx.* 2 s at Affizes 1 s. 9d) Sealing 7 d. No Precipe is made for the Office. If the Cause be not tried at the Time mentioned in the *Ha' Corpora*, make out a new one; but if you carry the old one, you save 1 s. 1 d. Which Writs of *Distingas* or *Ha' Corpora* must be returned by the Sheriff.

Subp. ad Test.

Get a Blank (four 6d. St.) fill it up; 4 Witnesses may be put in one Subpena.

Make a Note for the Office.

Signed by Mr. *Heberden*, 1 s. 8 d. Sealing 7 d.

No Note for the Office.

Signing by Prothonatory 1 s. Sealing 7 d.

Each Witness must be served with a Ticket, and paid 1 s.

K. B. Entering Causes for Trial. C. P.

I. In London or Middlesex.

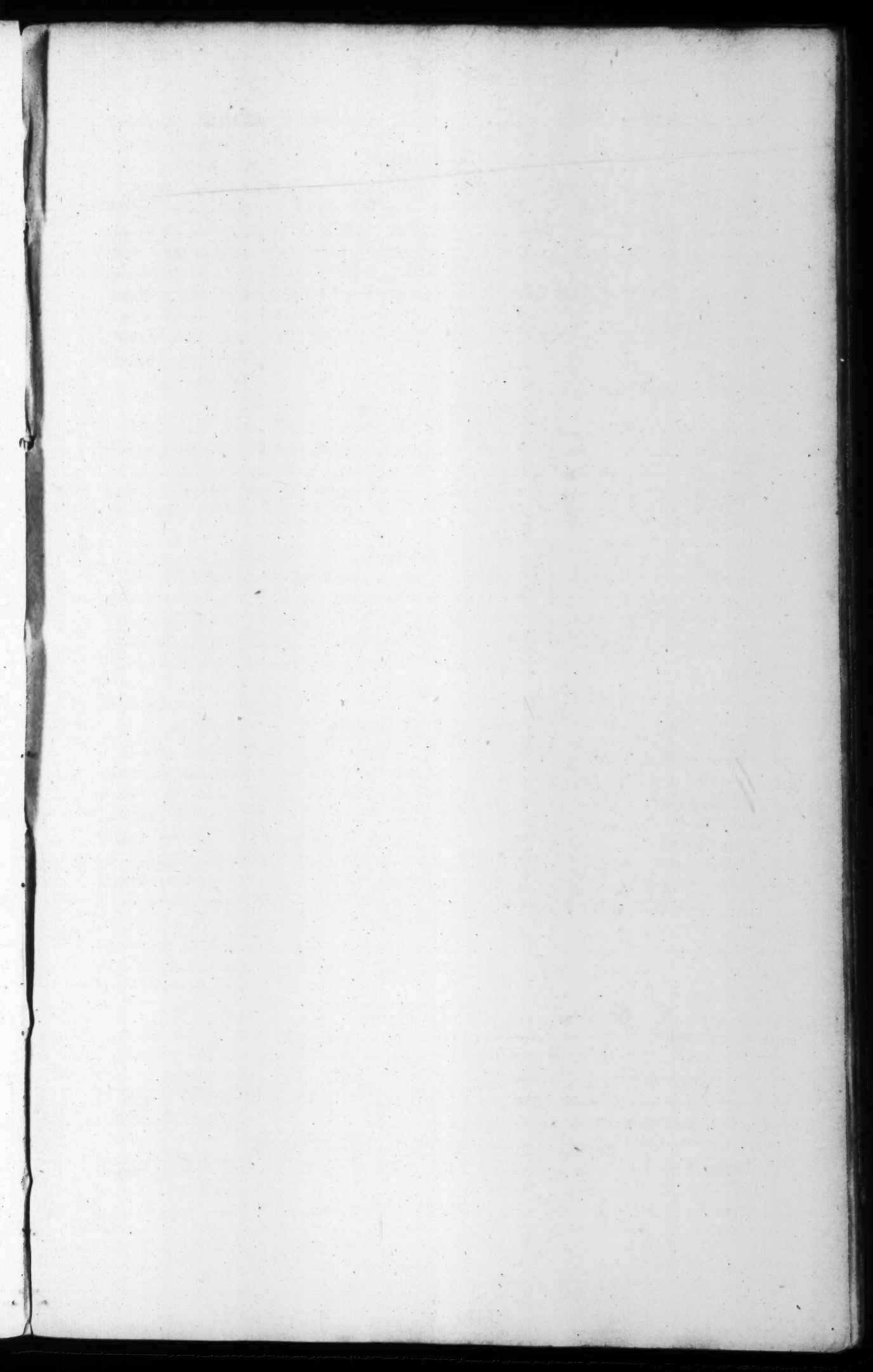
Causes for Trial must be entered in the Marshal's Book, 2 Days at least exclusive before the Sitting whereon they are to be tried, or the Marshal may enter a *No Recipiatur* at Defendant's Request. 15 & 16 C. 2. B. R. East. 1 Jac. 2. C. B.

But by Notice fixed up in K. B. Office, M. 17 G. 2. No Record or Writ of *Nisi Prius* will be received at any Sitings after Term in *Middx.* unless delivered to and entered with the Marshal within a Day after the last Day of every Term; nor at any Sitting after Term in *Lond.* unless delivered to and entered with the Marshal the Day before the Day to which the Sitings in *Lond.* shall be first adjourned. And every *Nisi Prius* Cause in *Lond.* and *Middx.* must be tried in the Order in which it is entered, (beginning with the *Remanets*) unless ordered to the contrary by the Judge, on reasonable Cause shewn.

But by Not. put up in the Proth. Office, H. 8 G. 1. No *Recip.* shall be entered for the Sitings of *Nisi Prius* after every Term, unless the Record and Writ be brought into Court on or before the Days and Sitings respectively. By Notice fixed up in the Proth.'s Offices, Easter 2 G. 3. no Record or Writ of *Nisi Prius* will be received, &c. as in the K. B.

II. At the Affizes.

The Writ and Record to be entered with the Marshal before first Sitting of the Court after Commission Day, except in the Counties of *York* and *Norfolk*, and there before first Sitting of the Court, on the 2d Day after the Commission-Day. And every Cause must be tried in the Order it is entered in, unless



unless the Court orders otherwise. T. 10 & 11 G. 2. & H. 14 G. 2. By the twelve Judges.

K. B.

Postea.

C. P.

After Trial in *Lond.* or *Middx.* the Associate will deliver the Record with the *Distr.* and Pannel annexed ; and then you indorse the *Postea* yourself on the Back of the Record But after Trial at the *Affizes*, the Associate keeps the Record and *Distr.* till the next Term, and in the Interim indorses the *Postea*. And (by T. 2 Jac. 1. B. R.) *Posteas* must be marked by Clerk of the *Posteas* within 2 Days after it is received ; pay him 4*d.*

The Associate writes the *Postea*. If tried in Term, call on him about the 5th Day after ; and if tried in Vac. call the fifth Day of the ensuing Term.

K. B.

Rolls.

C. P.

When to be carried in.

Those of *Trin. M. 3.* and *Hil* Terms, before the *Essoin* Day of every subsequent Term ; and of *East.* Term before the first Day of *Trin.* Term. M. 5 *An.*

Those of *East.* Term, on or before 1st Day of *Trin.* Term ; of *Trin.* Term, on or before *Mich.* Day ; of *Mich.* Term, at or before 6 *Jan.* and of *Hil.* Term, 4 Days before *East.* Day. E 34 C. 2.

Docketing Entries.

Get Numbers for your Rolls, from the *Nisi Prius* Office, or from Mr. *Heberden*, docket your Entries on a Piece of unstampd Paper, carry them to the Clerk of the Judgments, pay him 3*s.* and to Mr. *Tully* 4*d.* each Warrant.

When you carry in your Roll docket your Entries at the Prothon. Office, on the Docket Roll of the Term of which they are entered. Pay nothing.

K. B.

Final Judgment.

C. P.

If Plt. had a Verdict, give a Rule for final Judgment with Cl. of the Rules (1*s.* 10*d.*) which will be out in 4 Days, if *Sunday* don't intervene ; in which Time Deft. may move in Arrest of Judgment ; but if he does not, stamp the *Postea* (do. 2*s.* 6*d.* St.) and then get it marked by Mr. *Walters* (the Cl. of the Com. Bails) and thereupon the Master will sign Judgment, and tax the Costs. No Need of such Rule after Nonsuit.

No Rule for final Judgment to be given, but you stay the same Time as in B. R. After which stamp your *Postea*, (do. 2*s.* 6*d.* St.) upon which the Prothonotary will sign Judgment, and tax the Costs. Immediately after it is signed, the *Postea* must be delivered to the Cl. of the Judgment. 13 G. 2. Pay him 2*s.*

K. B.

Execution.

C. P.

A *Ca. Sa. Fi. Fa.* or an *Elegit*, must be written on a four 6*d.* Stamp. Neither *Ca. Sa.* nor *Fi. Fa.* to be signed. Sealing 7*d.* each. *Elegit* to be signed by Mr. *Heberden*, (1*s.* 8*d.*) and sealed (7*d.*)

Ca. Sa. or *Fi. Fa.* must be signed by the Prothonotary (4*d.* each) and sealed (7*d.* each) and if a *Testat.* 8*d.* Signing, and 1*s.* 2*d.* Sealing.

Surrender in Discharge of Bail.

Bail sued in *Debt.* or *Recog.* in B. R. has 8 Days after Return of the Process to surrender Deft. (T. 1 A.) In C. B. on or before the Return of Process. (M. 1654.) And being sued by *Sci. Fa.* he may be surrendered at any Time

be-

before the Return of the *Sci. Fa.* if ret. *Sci. Feci*, or of the *Al' Sci. Fa.* if the 1st be returned *Nihil*, &c.

Non Pros.

If Plt. does not declare, either of the Term the Writ is returnable, or before the End of the ensuing Term, Deft. having appeared, and in *C. B.* given a Rule to declare (either at the End of the said ensuing Term, or in 4 Days after) and demanded Declaration by Note in Writing, (which Rule is not given, nor Demand made in *B. R.*) may sign a *Non pros* at any Time in the Vacation of such ensuing Term, and not after. *Inst. Cler. 74. B. R. Reg. Hil. 9 A. Not. Mich. 1 G. 2. C. B.*

K. B. Judgment by Default or Confession. C. P.

Make an *Incipitur* of the Decl. on a treble 1 *d.* St. if the Judgment be interlocutory, or on a double 2 *s.* 6 *d.* St. if it be final; and an *Incipitur* on the Roll.

Carry them to the Clerk of the Judgments and he will sign Judgment; and if it is final, get the Master to tax the Costs.

and he makes the Judgment Paper, then carry it with the Draught of the Declaration, to the Prothonotary, who signs Judgment. Pay him 2 *s.* for signing interloc. Judgm. if the Decl. be the same T. and 3 *s.* for the Judgm. by Confes. and Warrt. of Atty.

Make out Warrants of Attorney, file them with the Clerk of the Warrants, (pay in *Debt*, *Trespass*, and *Detinue*, 4 *d.* in other Actions 8 *d.* each)

K. B.

Writ of Inquiry.

C. P.

I. Notice of executing it.

If executed in *London* or *Middlesex*, and Defendant lives within 40 Miles from *London*, 8 Days Notice exclusive to be given; if he lives above 40 Miles 14 Days exclusive. And if executed in the Country, 8 Days Notice exclusive. *M. 1654. C. B.* Same Practice in *B. R.*

Where Plt. concludes *ad Patriam* upon Deft's Plea, and gives Notice of Trial upon the Paper-Book, and thereupon Deft. to hinder the Trial of the Issue demurs upon Repl. and Plt joins in Demurrer, and gets Judgment, Deft's Attorney shall accept Notice of Inquiry, from the Time of giving such Notice of Trial. *H. 8 G. 1.*

Where Plt. concludes *ad Patriam*, and gives Notice of Trial on the Back of his Pleading, if Deft. does not join Issue before the Rule be out, in such Case after Judgment Deft's Attorney shall accept Notice of Inquiry from the Time of giving said Notice of Trial. *H. 6 G. 1.* And where Deft. demurs to Pltff's Declaration, Deft's Attorney shall accept Notice of Inquiry on the Back of the Joinder in Demurrer. And where Deft. pleads such a dilatory Plea, that Plt. is obliged to demur to, Pltff's Attorney shall accept Notice of Inquiry on the Back of the Demurrer. *T. 10 G. 1.*

II. Making it out and executing it, &c.

To be written on a four 6 *d.* stampt Parchment. In *B. R.* not to be signed, neither by Bill nor Original. Sealing 7 *d.* In *C. B.* to be signed by the Prothonotary; pay him 1 *s.* 4 *d.* for the 1st Count, and 8 *d.* for every other, or 8 *d.* for the 1st Sheet, and 4 *d.* for every other. Sealing 7 *d.* You may sue out *Subp. ad Test.* as in Cases of Trial. Indorse the Place where you have given Notice for the Execution; carry the Writ of Inquiry to the Sheriff 2 Days before



fore you execute it ; and he will cause a Jury to be returned. In *London* you pay him 1 *l.* 7 *s.* 4 *d.* and for every Witness 4 *d.* In *Middlesex*, and most Counties, you pay 1 *l.* 10 *s.* 6 *d.* The Inquisition must be stampd with a double 2 *s.* 6 *d.* Stamp. In *B. R.* a Rule must be given for Judgment, but not in *C. B.* 4 Days after the Return of the Inquiry being expired, sign final Judgment, as upon a *Posse*. Rule on Inquiry not to be given till Writ is returnable.

K. B. Proceedings against Prisoners. C. P.

I. Declaration.

To be delivered before the End of the next Term, after the Return of the Process or Surrender in Discharge of Bail, to the Keeper, Gaoler or Turnkey ; (and at the same Time ask him if Defendant is not his Prisoner ;) who must deliver it to the Prisoner, or you may deliver it to the Prisoner yourself.

II. Charging Defendant in Custody.

1. In the King's Bench Prison.

Affid. that Cause of Action amounts to 10 *l.* must be filed in *B. R.* with the Cl. of the Rules ; in *C. B.* with the Prothon. who takes 2 *s.* a Count, for the Entry of the Decl. and the Sum is indorsed by him on the Decl. before it is left with the Turnkey in *B. R.* or with the Cl. of the Papers of the *Fleet* in *C. B.*

1. In the Fleet.

2. In Newgate, Ludgate, or other County Goal.

There must be a Process to charge Defendant in Custody, directed to the Sheriff.

K. B.

How to declare.

C. P.

If Deft. in Custody of the Sheriff, makes 3 Copies of your Decl. on Stamps, one on treble 1 *d.* stampd Parchment to file. If the Proceedings be by Original, the Decl. need not be filed. Another on treble 1 *d.* Paper to deliver, and the third on treble 1 *d.* Paper to annex to an Affidavit of such Deliv. to be filed with the Cl. of the Rules ; for no Rule to appear and plead may be given till such Affid. is filed, and which must be filed before 20 Days after the End of the second Term after Return of the Process.

If Deft. in Custody of the Sheriff, makes two Copies of your Decl. on treble 1 *d.* stampd Paper, one to deliver to Turnkey or Prisoner, and the other to annex to an Affidavit of the Delivery, to be filed with the Secondary of the Proth. Office, and which must be filed before the End of 20 Days after the second Term, except after *Fast*. Term, and then in 10 Days for no Rule, &c. till such Affidavit is filed.

K. B.

How to declare.

C. P.

But if Deft. is in Custody of the Marshal of *K. B.* Prison, make only two Copies of your Decl. one on treble 1 *d.* stampd Parchment to file, and another on treble 1 *d.* stampd Paper to deliver to the Turnkey or Prisoner, for here no Affidavit of the Delivery is required. But a Rule to plead may be given of course ; and if Decl. delivered 4 Days excl. before the End of the Term, and Rule given (and Plea demanded, which may be made on the Back) Deft. must plead as of that Term.

If Deft. is in the *Fleet*, you make likewise two Copies of your Decl. as above, carry both to the Proth. who will enter them, and mark them as entered. *N. B.* If Deft. was arrested at your Suit, the Sum sworn to is not indorsed thereon, because it appears in the Return to the *Hab. Corpus* ; but if you charge the Deft. with a new Action, you file the Affidavit of Debt with the Prothon. who then marks them entered, and likewise indorses the Sum sworn to thereon.

C

Your

C. B.

Your Decl. being entered, deliver one Copy to the Turnkey of the *Fleet*, who will enter the Action (pay 1 s.) the other you keep to annex to an Affidavit of such Delivery, which must be filed as above.

K. B.

Upon filing your Affidt. of delivering Decl. with Cl. of the Rules, he will give a Rule to plead; at which Time 'tis proper to have another Copy of the Decl. and Affidt. on Stamps, for him to give a Rule to plead thereon, which may be necessary to produce on signing Judgment, if no Appearance and Plea, else you must have an Office Co. when you sign your Judgment. If no Appearance and Plea, sign Judgment.

The Right Method of charging a Prisoner in Custody in the Vacation Time, is to file a Bill as of the preceding Term, and deliver or leave a Copy of the Declaration as of the preceding Term, and make an Affidavit of having delivered it to or left it for the Defendant being in Custody: 2 *Bur. Rep.* 1050.

III. When to appear and plead.

1. If Copy of Decl. be delivered before 3d Return of East. and Mich. Term.
By Reg. East. W. & M. upon Mesne | By Reg. E. 5 W. & M. (no Mention
Process Ret. 1st Day of E. or M. Term. | made of the Ret. of the Proc. as in B. R.

Affidavit of the Delivery thereof being filed, if Defendant does not appear in 10 Days after East. or Mich. Terms respectively, Judgment may be signed, Rule having been given; but if he appears, he shall imparl till the next Term; unless the Action be in Lond. or Middx. and Deft. be in Prison within 40 Miles of Lond. or Westm. and then he shall plead 2 Days before the Effoin Day of the next Term.

2. If delivered on or after the 3d Ret. of East. or Mich. or any Time in Hil. or Trin.

And Deft. appears 2 Days before the Effoin Day of next Term he shall imparl to said next Term; but if he does not appear in that Time, Judgment may be signed.

3. If Process be returnable one Term, and Decl. del. before the Effoin-Day of next. Plt. in such next Term may give Rules to appear and plead; and if Deft. does not appear and plead by the Expiration of the Rules, Judgment to be entered.

IV. Issue, Trial, Judgment, and Execution.

Plaintiff must deliver Issue, and proceed to Trial or Judgment within 3 Terms after Decl. delivered, or after Render, if Decl. was delivered before; and to Execution 2 Terms after Judgment, including the Term in which the said Judgment shall be signed, or Defendant may be discharged.

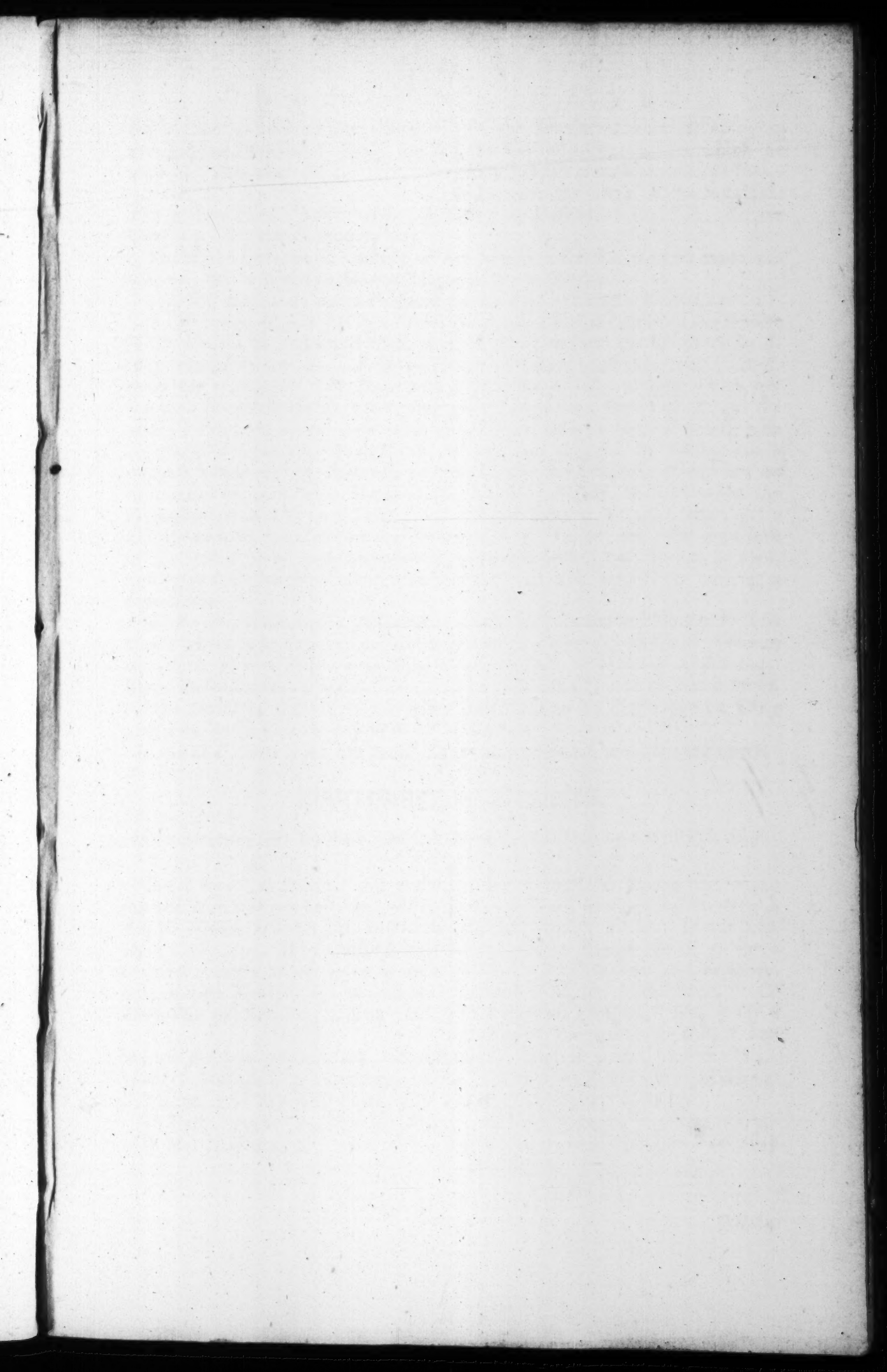
V. How to charge a Prisoner in Execution.

In the King's Bench Prison.

Get a Rule from Mr. Cowper, (4 s. 6 d.) serve the Marshal with Copy under which he will write his Acknowledgment of Deft's being in his Custody, (10 s. 6 d.) Enter the Committitur in

In the Fleet.

Make out a *Ha. Cor. ad Satisfaciend.* St. 5 s. signed by Prothon. 1 s. 4 d. Sealing 7 d. Backing by a Judge 4 s. Carry it to Clerk of Papers at the *Fleet* 4 Days before the Ret. (9 s. 2 d.) pay to



K. B.

the Marshal's Book at the Clerk of the Judgments Office, (2s.) file it with Mr. Heberden, (2s.)

C. P.

to the Treasury-keeper on bringing the Roll into Court 2s. on which the final Judgment must be entered; therefore give the Clerk of the Judgment 2 or 3 Days Notice beforehand. Bringing up Defendant 10s. 6d. To the Crier 2s. To the Secondary 9s.

But if the Deft. be in Custody of the Sheriff, a *Ca. Sa.* must be made out (St. 2s.) and a Warrant thereon lodged with the Gaoler.

VI. *How to discharge Prisoners for want of Plaintiff's Proceeding.*

1. *For want of Decl.]* If in a County Gaol, get a Certificate from the Gaoler of the Causes he is charged with, and a Certificate from the Cl. Decl. in *B. R.* or the 3 Prothon. in *C. B.* if no Declaration filed, and thereupon in *B. R.* make out a common Bail Piece with a *Fiat*, for a Judge to sign, which you file with Mr. Heberden on his signing your *Superfedeas*; but in *C. B.* get the Judge's *Fiat*, which you use with the Filazer, and he on your entering an Appearance signs your *Superfedeas*; or you may proceed by taking out a Judge's Summons for Plaintiff, to shew Cause why the Deft. should not be discharged for want of a Declaration, which is the best Method when the Defendant is in a County Gaol; but if Defendant is in *Custod. Mar.* get a Certificate from the Clerk of the Papers of *B. R.* Prison, and from the Clerk of the Declaration, and thereupon a Judge will order Com. Bail to be filed, and upon a Certificate thereof, the Marshal will discharge Deft. without a *Superfedeas*.

2. *For not proceeding to Judgment or Execution.]* Summon Plaintiff to shew Cause why a *Superfedeas* should not be granted, which (if no Cause shewn to the contrary) he will grant on filing Common Bail, or entering Appearance. But if Defendant is in *Custod. Mar.* then on Summons*, and no Cause shewn to the contrary, the Judge will order Defendant to be discharged on filing Common Bail, without any Writ of *Superfedeas*.

In the *C. P.* after Decl. the Proth. signs the *Superfedeas*, and not the Filazer.

Proceedings by Attornies.

If an Attorney sues for Fees, the first Process is an Attachment of Privilege.

K. B.

Get a four 6d. Stamp, and make out the Writ; if notailable, add an *English* Notice as for a *Lat.* and serve Deft. with Copy. If by Oath for 10 l. or above, insert an *Ac etiam* as for a *Lat.* make a Precipe, sign it with Mr. Heberden, pay nothing, sealing 7 d.

indorse the Sum on the Back. No *Ac etiam*. Sign it with Cl. of the Warrants of Attornies, pay nothing, unless in Arrear for Termages. Make out a Precipe, and sign with Proth. pay nothing, sealing it 1 d. only.

If Deft. appear, he files his Bail with Mr. Heberden.

C. P.

Get a four 6d. Stamp, and make out the Writ, or a printed Form from the Stat. which fill up. If notailable, add an *English* Notice as for a *Capias*. If by Oath for 10 l. or above, instead of saying in the Writ, "Of a Plea of Trespass," say, "Of a Plea of Trespass on the Case," and

If Deft. appears, he enters his Appearance. (3s. 10d.) or files Bail with the Protho.

* And on the first Summons too.

K. B. Declaring by Attorney. C. P.

Ingross Decl. on treble 1 d. Stamp Paper, according to Form, viz.

Midd. ff. } *A. B.* Gent. one of the
 } Attornies of the Court of
our Lord the King, before the King
himself being, according to the Li-
berties and Privileges of the same
Court used and approved of in the
same from Time whereof the Memory
of Man is not to the contrary, pre-
sent here in Court in his proper Per-
son, complains of *C. D.* being in the
Custody, &c.—The rest as common,
adding Pledges.

whereas—The rest as in common Cases, only you must add Pledges as in
K. B.

If an Attorney delivers or files his Decl. and gives Notice thereof 4 Days
exclusive before the End of the Term in which Proceſs ret. Deſt. must plead
the same Term. If Rule to plead given, and Plea demanded, in both
Courts.

Proceedings against Attornies.

Attornies are not to be served with Copies, nor arrested, being supposed
to be always present in Court, but the Manner of Proceeding is by filing a
Bill against 'em.

K. B.

Having drawn the Bill, ingross two
Copies, one on treble 1 d. stamp
Parchment, and the other on treble
1 d. Paper, file that on Parchment
with Cl. Decls. (4 d) then deliver the
other to the Deſt. with Notice thereon
to plead. Give Rule to plead, and
demand Plea as in common Cases.
Observe the Bill differs not from a
Decl. against another Person in this
Court, only in setting forth Deſt's
Addition.

K. B.

Trin. Term in the —

Midd. ff. } *C. D.* complains of *A. B.*
 } Gent. one of the Attor-
nies of the Court of our Lord the
King, before the King himself in his
proper Person present here in Court,
for that to wit, That whereas, &c.—
So on, adding Pledges.

So on, but instead of saying, "And therefore he brings his Suit," you say,
"And therefore he prays Relief;" adding Pledges.

C. P.

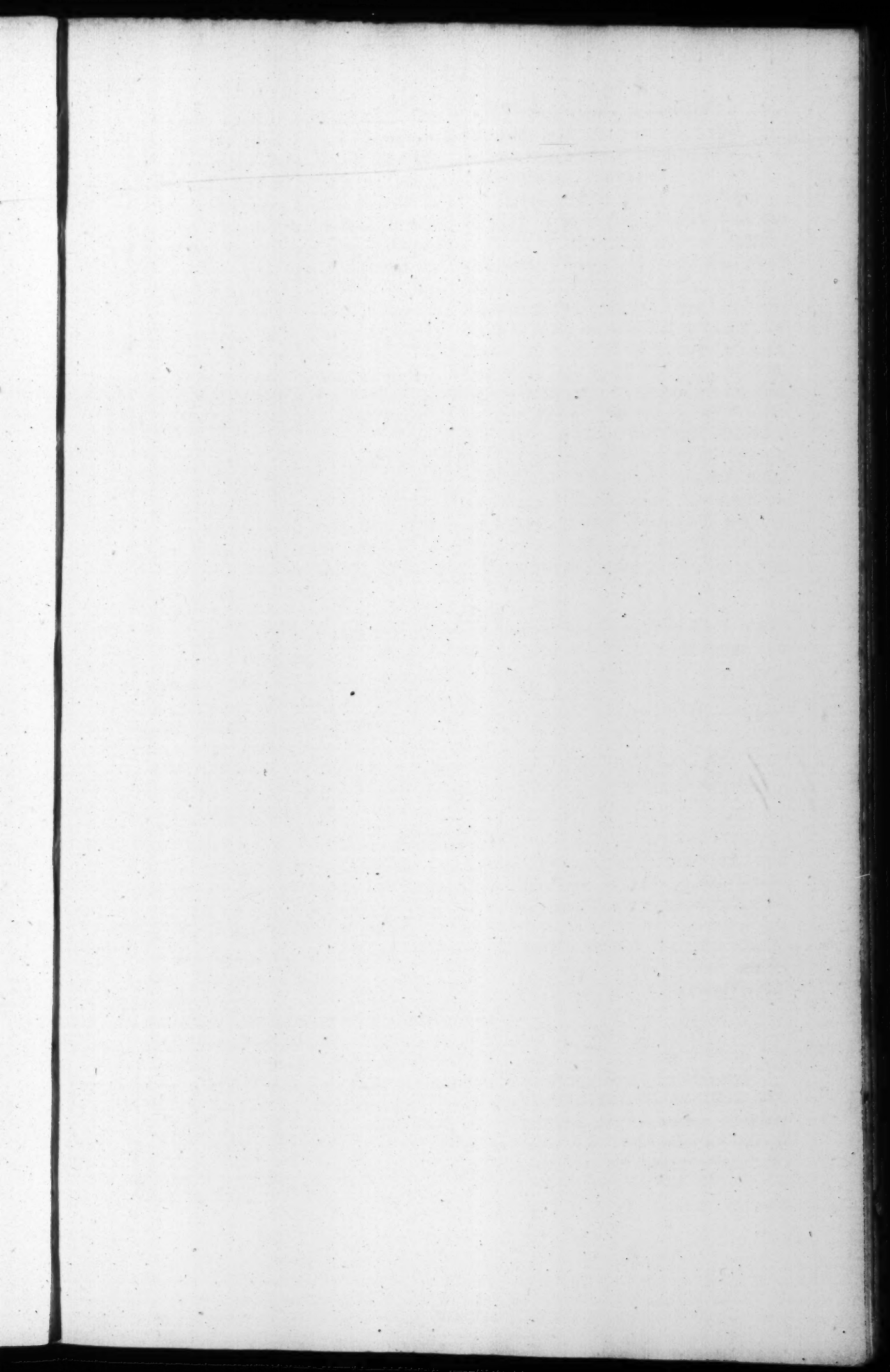
Having drawn the Bill, ingross it
on treble 1 d. stamp Parchment, carry
it to *Westm.* give it to one of the Cri-
ers to call Deſt. (1 s.) he'll get it
signed by Proth. who will take for the
entering. Take it back, and annex
a treble 6 d. Bit of Parchment to the
Bottom; take it to the Secondary,
who will give a Rule thereon for Deſt.
to appear; file it with Proth. and
give Notice to Deſt. to appear in 4
or 8 Days, as by the Rule. *Hill. 11*
Geo. 2.

C. P.

Trin. Term in the —

*To the Justices of our Lord the King of
the Bench.*

Midd. ff. } *C. D.* by *E. F.* his Attor-
 } ney, complains of *A. B.*
Gent. one of the Attornies of the
Court of our Lord the King of the
Bench present here in Court in his
proper Person, For that whereas—



K. B.

If Deft. appears and pleads, you make up the Issue with a Memorandum as in other Cases, but if he don't appear and plead according to Notice, you don't forejudge him as you do in the *C. P.* and thereupon bring a new Action as against an unprivileged Person; but you sign Judgment by Default, and execute a Writ of Inquiry, and proceed to final Judgment and Execution, if in Case; and if in Debt, to Execution immediately. If a Bill is filed, and Notice thereof 4 Days exclusive before the End of the Term, Deft. is to plead that Term.

To the Justices of our Lord the King of the Bench. *Midd. ff. C. D. &c.*—So on with the Bill to the End, adding Pledges. You charge on the Back of the Decl. and give Notice to plead as in other Cases, *viz.* If Action in *Lond.* or *Middx.* and Deft. lives within 20 Miles, 4 Days Notice; if above, 8 Days Notice to plead. And if he pleads, you make up the Issue, as in other Cases. But where the Deft. don't appear upon Notice of Bill being filed, you sign a Forejudger.

Forejudger.

You ingross the Bill with the Memorandum as before on a Proth.'s Roll, and continue the Forejudger thus: "Whereupon the said *A. B.* being solemnly called came not, therefore he stands forejudged from exercising his Office of Attorney of this Court for his Contumacy," &c. Likewise ingross the same, or an *Incipitur* thereof on a Sheet of double 2 s. 6 d. stamp Paper; take both to the Proth. to sign, (2 s.) then to the Cl. of the Warrants, to strike Deft. off the Roll, (1 s. 4 d.) who will sign your Paper, and keep the Roll for his Justification for so doing; and then you may Proceed against him as a common Person.

Ejectment.

Get a Blank Decl. in Ejectment unstamped to keep for Use, fill it up, and likewise as many on treble 1 d. Stamps (as there are Tenants of the Tenements you sue for,) agreeable to your Copy, in order that you may make an Affidavit of the Service of them.

If the Tenements lie in *Lond.* or *Middx.* make the Notice to appear the 1st Day of the next Term, for if made generally, Deft. will have the whole Term to appear in; but if the Tenements lie in any other County, make the Notice to appear the next Term generally.

Serve each Decl. on the Tenant, his Wife, Father, Son, Daughter, Niece, or Servant, before the Effoin-Day of the Term, and on Service read the Notice to the Tenant, or fully explain the Nature and Meaning thereof.

N. B. Service on Tenant's Son, Daughter, or Servant, is not good, unless the Receipt thereof is acknowledged by Tenant, and Affidavit is made thereof. Make Affidavit of the Service on treble 6 d. and make a Copy of the Decl. on treble 1 d. to annex thereto, to move for Judgment against the casual Ejector.

C. P.

If Deft. appears, he enters his Appearance with the Proth. and then you deliver him a Decl. beginning with a Memorandum, thus;

Cooke. Trin Term in the, &c.

Midd. ff. } Be it remembered that on
 } the 30th Day of May in
 this same Term *C. D.* came here into Court by *E. F.* his Attorney, and exhibited to the Justices of our Lord the King here his certain Bill against *A. B.* Gent. one of the Attornies of the Court of our Lord the King of the Bench present here in Court in his proper Person, the Tenor of which said Bill follows in these Words;

K. B.

To move for Judgment.

C. P.

Give it to Counsel to move for Judgment, and N. Cl. of the Rules keeps the Affidavit and Declaration on the Motion; so you should have a Decl. filed up by you before Motion, else you must pay 1 s. for taking a Copy.

If Tenemts. in *Lond.* or *Middx.* and Notice to appear 1st Day or Beginning of the Term, move the Beginning of the Term, and then Tenant has but 4 Days inclusive to appear in after Motion; but if moved late, in the Term 2 or 3 Days or immediately; but if not moved before the last 4 Days, Tenant has until 2 Days before the Effoin-Day of the next subsequent Term. If Not. to appear generally, has the whole Term to appear.

If Tenements lie in any other County than *Lond.* or *Midx.* tho' Declaration delivered before the Effoin-Day of *East.* or *Mich.* Term, yet Tenant has 4 Days after the End of the next issuable Term, *Hil.* or *Trin.* to appear; and if in a County where Assizes but once a Year, yet Tenant has 4 Days after the End of the Term next preceding the Assizes to appear in both Courts. *Ex. gr.* Term ended *Wednesday*, has all *Monday* next, &c.

K. B.

Must move for Judgment same Term Tenant had Notice to appear.

In Country Ejectments you may move any Time within the Term, tho' it is generally deferred till the latter End of the Term. And N. B. You must move for Judgment against Casual Ejector, if you would compel an Appearance or have Judgment, tho' if Pltff's and Deft's Attorney know each other, they often agree to save the Expence of the Motion on dividing the Half Guinea between them; but in this Case Pltff's Attorney should be cautious of depending on a verbal Promise to appear only, lest by Neglect of the Motion he should be deceived.

A general Rule to answer to be given with Cl. of the Rules before Motion for Judgment. *Reg. Tr.* 10 *Car.* 2.

Not necessary in either Court unless Tenant in Possession appears.

K. B.

How to appear.

C. P.

Buy a Blank Rule of Assent of the Stat. (not stamp) file Com. Bail, (usually omitted now) fill it up to make the Tenant or whoever appears Deft. instead of the nominal Deft. mentioned in the Decl. Write in the Margin of the Rule the Premises

Give it to a Serjeant to move for Judgment, and N. Secondary keeps the Affidavit and Declaration on the Motion; so, &c.

If Tenemts. in *Lond.* or *Middx.* and Not. to appear 1st Day or Beginning of Term move the Beginning of Term, for Pltff. to take nothing by his Motion for Judgment against Casual Ejector for Default of Appearance, unless Motion within a Week after the 1st Day of every *Mich.* and *East.* Term, and within 4 Days of every *Hil.* and *Trin.* Term. *Reg. Tr.* 32 *Car.* 2. This Rule does not extend to vacant Possessions. *Pract. Com Pleas* 303.

In Country Ejectments, tho' Decl. before *East.* or *Mich.* Plt. has all the next issuable Term to move for Judgment.

On Motion for Judgment must give Rule to plead.

Get a Rule of Assent from the Secondary of the Proth. whose Office Decl. is in (6 d.) fill up to make the Tenant or Person who appears Deft. instead of the nominal Deft. mentioned in the Decl. Write in the Margin of the Rule the Premises mentioned



K. B.

mentioned in the Decl. and sign the Rule with Deft's Attorney or Agent's Name at the Bottom, leaving Room for Pltff's Attorney to sign his Name over it; ingross the General Issue Not guilty with the new Deft's Name, and annex it to the Back of the Rule, and so leave them at one of the Judge's Chambers, ()

If by Orig. you strike out the Words in the Rule (and file Com. Bail) and instead of (his Bill) insert (his Writ) in the Rule; and instead of filing Com. Bail; you must enter an Appearance with the Filazer of the County in this Court.

Where Deft. enters into the Common Rule to confess Leave, Entry and Ouster for so much of the Tenements as are in his Possession, the Attorney for Deft. must forthwith give Notice to Pltff's Attorney in Writing of the Tenements so in his Possession. *Trin 15 Car. 2.*

If the Person who claims Title to the Premises, and would defend the Action, is not in Possession thereof, you must move the Court for him to be made Deft. instead of the nominal Deft. but this with Consent of the Tenant in Possession, unless 'tis his Landlord.

To draw up Rule by Consent to confess Lease, Entry and Ouster, Issue, &c.

K. B.

Take the Rule and Plea from the Judge's Chamber, who will have signed the Rule, sign Pltff's Attorney's or Agent's Name over Deft's, take Rule from Plea and carry it to Cl. of Rules, who will keep that Rule, and therefrom draw up one other Rule by Consent, () Draw your Issue with a Memorandum as in other Cases; annex this Rule to the Copy of Issue, and deliver it therewith to Deft's Attorney; you charge nothing for the Half Rule in K. B.

C. P.

tioned in the Decl. ingross the general Issue not guilty, enter Appearance with the Filazer of the County, (2s. 6d.) who will stamp the Rule, and write Appearance entered. And having signed the Rule, annex the Plea to it, and leave them at the Proth.

Deft's Attorney often neglects entering Appearance, and only leaves the Plea and Rule, or delivers them to Pltff's Attorney, and then Pltff's Attorney does it, and charges for it on the Issue; but this is wrong; Deft's Attorney should take Care to enter an Appearance.

C. P.

Take the Rule and Plea from Proth. if not delivered you, and if no Appearance entered thereon, enter Appearance with the Filazer, and an Imparlance with Proth. and charge on the Issue, viz. App. 5s. 10d. Imparlance 2s. 6d. then carry the Rule to the Secondary, who will keep that, and therefrom draw up two other Rules by Consent, 4s. 6d. each: draw your Issue, and annex one of the Rules to Copy Issue, and deliver it therewith to Deft's Attorney, and keep the other. You charge for the Half Rule in this Court on the Issue ()

K. B. To sign Judgment against the casual Ejector for want of Plea. C. P.

First search all the Judges Books for Plea and Rule; if none filed, draw up Rule for Judgment with Cl. of the Rules (5s.) then make an *Incipitur* of the Decl. on a double 2s. 6d. Stamp and on a Roll, and on producing your Rule for Judgment, Cl. of Dockets

First search the Proth's Plea Book for Plea and Rule; if none filed, draw up the Rule for Judgment with the Secondary, make an *Incipitur* of the Decl. on a double 2s. 6d. Stamp, and on a Roll of that Term; make out a Warrant of Attorney, sign it at War-

K. B.

will sign your Judgment, (3 s. 6 d.)
make out a Writ of Possession, make
a Prec. sign it with Mr. Heberden,
(1 s. 8 d. Seal it, (7 d.)

C. P.

Warrant of Attorney Office, then at
Proth. (12 s. 8 d.) make out Writ of
Possession, sign it at Proth. (1 s. 4 d.)
No Prec. Seal it. (7 d.)

Proceeding to an Outlawry.

Proceeding to an Outlawry is necessary when a Deft. has an Estate in Lands or Goods, and cannot be arrested, wherein it serves to compel an Appearance, &c.

A Man cannot be outlawed on Process, with *Ac etiam*, and if the Original be only a *Clausum fregit*, the Deft. may reverse the Outlawry without Bail; therefore the usual Method is to make out a Precipe for a Special Original, thus: (In case) &c.

K. B.

London, ff. } If A. B. gives you Security to prosecute his Suit, then put by Sureties and safe Pledges C. D. late of—in the said County, That, &c. to shew wherefore that whereas the said C. D. (setting forth the Cause of Action as by a Decl.) but instead of saying, “To the Damage of the said A. 20 l. and therefore he brings his Suit” say, “To the Damage of the said A. 20 l. as he says.”

Ret. in K. B. in 8 Days of St. Hilary, wheresoever, &c.

C. P.

London, ff. } If A. B. gives you Security to prosecute his Suit, then put by Sureties and safe Pledges C. D. late of—in the said County, That, &c. to shew wherefore that whereas the said C. (setting forth the Cause of Action as by a Decl.) but instead, &c. say “To the Damage of the said A. 20 l. as he says.”

Ret. in 8 Days of St. Hilary.

The only Difference you observe, is by making the Original returnable in the Court designed.

Carry the Precipe to the Curfitor of the County, who will make out the Original in Debt 2 s. 6 d. in Case 2 s. 6 d. the first Count, and 6 d. every other Count, besides the Fine due to the King.

If you carry the Precipe before the Effoin-Day of a Term, he will make the Original returnable on any return of the preceding Term, by which you save Time; when you have it you may return it yourself by *Nil habet*, &c. then carry it to the proper Filazer of the County, who thereupon will issue out a *Capias*, *Alias* and *Pluries*; or if at first you carry the Precipe to the Filazer, he will procure the Original, and make out the *Capias*, *Alias* and *Pluries*, and take the Curfitor's Fee and fine, and also for himself 2 s. 6 d. the first Count, and 6 d. every other Count.

These Writs you may return of course, *Non est inventus*, &c. seal them, and file a Warrant of Attorney on the *Pluries*, (4 d.) which Writ the Clerk of the Warrants stamps; carry the *Pluries* to the Exigenter's Office of the County wherein the Action is laid, who thereupon will make out a Writ of Exigent and Writ of Proclamation of one and the same Return, and will keep the *Pluries* (the *Capias* and *Alias* you may keep yourself); seal the Exigent and Proclamation, then carry the Exigent and leave it at one of the Compters (if in London) to be returned (1 s.) and the Proclamation to the County Clerk (1 s.) (or to the Sheriff of the County where the Deft. dwells) for the Deft. to be proclaimed; tho' the Hustings in London are once a Fort-night,



night, yet it often happens, that there are not five Hustings between the Telle and Return of the Exigent, and so if you find not five Hustings returned on it when you fetch it from the Compter, you must carry the Exigent to the same Exigenter's Office for him to make out an *Allocatur*, in order to bring in the five Hustings; seal the *Allocatur*, and then carry and leave it at the same Compter to be returned; and thus when the Exigent is returned with five Hustings, and the Proclamation with three Proclamations indorsed to be made thereon, is the Deft. outlawed.

The Proclamation you afterwards file with the *Custos Brevium*, and for further Process against the Deft. carry the Exigent to the Clerk of the Outlawries, who thereupon will make you out a General Writ of *Capias Utlagatum* against the Deft's Body; or a special Writ of *Capias Utlagatum* against his Body, Goods and Lands, on which you may proceed to take his Body, or make Inquisition of his Goods or Lands.

By reason the Hustings in London are every Fortnight, and County Court Days but once a Month, 'tis most usual to outlaw the Deft. in London; but if you lay the Action in any other County, then, instead of leaving the Exigent at one of the Compters to be returned, you must send it to the Sheriff of the County wherein the Action is laid, and likewise the Proclamation to the same Sheriff, or the County Clerk, if the Defendant lives in that County; if not, send the Proclamation to the Sheriff or County Clerk of the County wherein the Deft. dwells, for the Exigenter, in making out the Writ, will direct it accordingly.

Of appearing to and superseding the Outlawry.

If the Deft. has Notice of an Exigent against him, find out what Sheriff 'tis directed to, (as you may by searching at the Exigenter's Office), get a Copy or a Note of it, as the Plff's and Deft's Names and Additions, the Cause of Action and Return thereof, in order to make out a Writ of *Superfedeas* by; having made out the *Superfedeas quia improvide*, carry it to the Filazer of the County, who, upon your entering an Appearance for the Deft. will sign the Writ; then seal it, and send it to the Sheriff of the County the Exigent is directed to; to be allowed, before the Return of the Exigent.

If the Deft. appears by *Superfedeas quia improvide*, or duly renders himself upon the Exigent, no Bail is required. *Mich. 1654.*

But if the Deft. be arrested on the *Capias Utlagatum*, and the Debt or Damages expressed in the Original amounts to 10 l. or upwards, the Deft. must give Bail. *Hil. 15 & 16 C. 2. Trin. 2 J. 2.* Nor can he render himself in Discharge of his Bail, but he or they must pay the Money.

If the Action requires only a common Appearance, you enter it with the Filazer (2 s. 6 d.), if special Bail give the Filazer a Note of the Bail, and he will attend the Judge on your putting in Bail, of which give Notice to Plff's Attorney. As to the excepting, adding, and justifying Bail, &c. 'tis as in other Cases.

Upon Deft's appearing and reversing the Outlawry, he pays the Costs to the Exigent; further Costs are respited till Judgment. *Trin. 2 J. 2.*

On Deft's reversing the Outlawry, the Pit. must declare in two Terms after Notice of such Reversal. *Trin. 33 C. 2.*

K. B. The Practice in Prohibition. C. P.

Prepare the Suggestion, enter it on the Roll, leave a Copy on a treble 1 d. stamp Paper, with Clerk of the Pa-	The same Method is to be observed here, except that instead of leaving the Pleadings with the Cl. of the Papers.
---	---

K. B.

pers. Get Copy of the Proceedings below, and an Affidavit of their being true Copies, and that the Plt. here has appeared below, draw and copy Brief of the Suggestion and Affidavit, and fee your Counsel to move, draw up Rule with Clerk of the Rules Copy and serve it. See p. 7.

C. P.

pers, you do it yourself; and that the Rule obtained on the Motion is to be drawn up with the Secondary of that Prothonotary in whose Office you are entered an Attorney.

K. B. How to sue out a Habeas Corpus. C. P.

Get the Copy of the Process on which Defendt. stands committed, then a 5 s. stamp Piece of Parchment, ingross *Habeas Corpus* thereon, make Note for Office, (no *Fiat* necessary) carry it to Mr *Heberden*, pay him in Term Time, 6 s. 8 d. in Vacation 7 s. 8 d. seal it, 7 d. make it returnable immediately, if sued out in Term Time,

Get Copy of Process on which Deft. stands committed, and then a 5 s. stamp Piece of Parchment, ingross *Habeas Corpus* thereon, make Note for Office (no *Fiat* necessary) carry it to Common Pleas Office, then seal it; what follows in *K. B.* is equally applicable to the Practice of this Court.

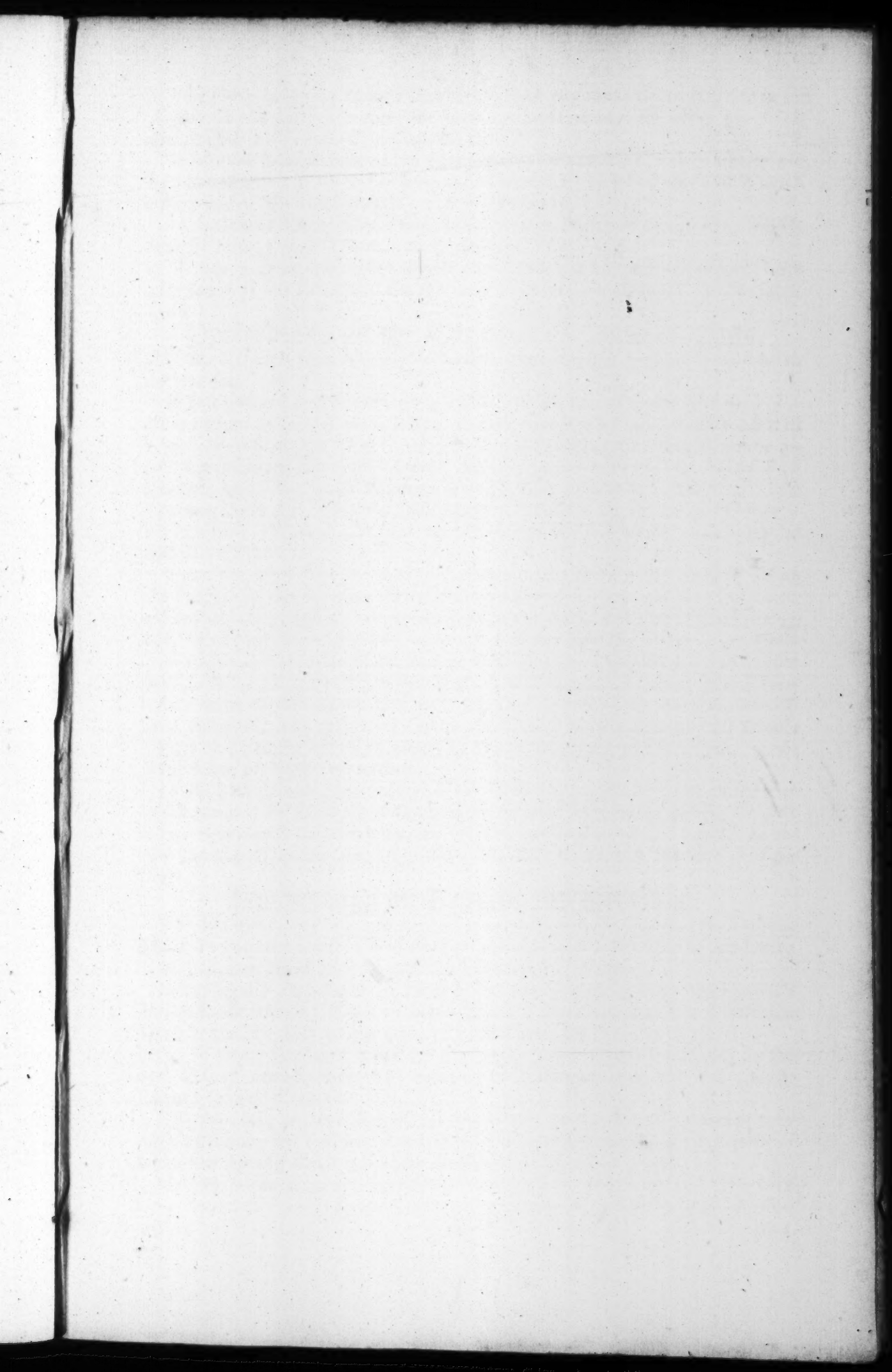
or Vacation; for there is hardly an Instance in Practice, of the Sheriff's refusing to return it *immediately*, that is, in a convenient Time, according to the Distance; direct it to the Sheriff of the County, in whose Gaol the Deft. is committed, it may be made returnable before any one of the Judges at his Chambers, or if made returnable before the C. J. any other of the Judges will turn him over.

If Deft. is charged with a *King's B.* Process, and would go to the *Fleet*, you must first get him charged with a friendly Action in the *C. P.* (if none there already) to ground your *Hab. Cor.* on in that Court; and so if in Custody on a *C. P.* Process, and Deft. would go to the *K. B.* Prison, he must first be charged with a *K. B.* Process; therefore get him charged with some amicable Action, before you bring your *Hab. Cor.* leave it when signed and sealed at Sheriff's Office, or send it by a Friend to the Gaoler of the Prison where Deft. lies, and he will bring him up upon being paid (or at least tender him, to prevent any Excuse for not obeying the Writ) 1 s. every Mile he is to bring the Deft.

Of bringing Money into Court.

There must be a Motion to bring Money into Court, which must be made before the Deft. has pleaded; for the Rule is, that the Deft. have Leave to bring so much Money into Court, and unless the Plt. accepts it with Costs to be taxed in Discharge of the Suit, the Sum so paid into Court shall be struck out of the Decl. and paid out of Court to the Plt. or his Atty. and upon Trial the Plt. not to be permitted to give Evidence of such Sum.

The Plt.'s Atty. must be served with a Copy of such Rule, and at the same Time the general Issue delivered to him; and if he accepts of the Money in full Discharge, the Costs must be paid to the Time he takes it; but if he will not accept of it, he may take the Money out of Court in Part of his Demand and proceed in his Action; but if on the Trial he has not a Verdict for more than what was paid into Court he will be nonsuited, and must pay Costs. See *Salk.* 583, 596, 597.



The Party bringing Money into Court must pay to the Secondary (or to the Signer of the *Latitat* for him) for keeping the same 20 s. for every 100 l. If under 10 l. 2 s. Rule E. 5 Jam. K. B.

Where the Sum demanded is a Sum certain, or capable of being ascertained by mere Computation, a Payment into Court shall be admitted, and so much struck out of the Declaration. 2 Bur. Rep. 1120.

In Action of Debt, Covenant, &c. on any Policy of Assurance, Money may be brought into Court. Stat. 1 Geo. 2. c. 37. § 7.

Money may be paid into Court and struck out of the Declaration, upon only some of the Breaches, though more Breaches are assigned. 2 Bur. Rep. 1120.

Proceedings on the Taxation of Bills of Costs.

If no Bill hath been already delivered, then the first Summons must be to deliver one.

When you are desirous of taxing an Attorney's Bill of Costs, you must take out a Summons (1 s.) from a Judge to shew Cause why the Attorney's Bill of Costs delivered to his Client, and his Demands thereupon, should not be referred to be taxed and settled by the Master, pursuant to the late Act of Parliament, and why, upon Payment of what shall appear to be due to the said Attorney upon such Taxation, he should not deliver up to the said Client or his Attorney all Deeds, Papers, and Writings in his Custody, belonging to the said Client.

Upon the third Service of this Summons, the Oath made thereof before the Judge, (if the Attorney served does not attend sooner, nor any Person on his Behalf) the Judge will order (*Ex Parte*) upon the Client's having by Writing under his Hand, submitted and undertaken to pay unto the Attorney the whole Sum which shall appear so be due to him upon the Taxation; he will order the said Bill to be referred to the Master; and that the Attorney give Credit for all Sums of Money by him received, and to refund so much as he hath been overpaid, and to deliver up to the Client or his Attorney all Deeds, Papers and Vouchers in his Custody or Power belonging to the Client, at the same Time he is paid or refunds.

In like Manner upon the Service of the second Appointment from the Master to tax the Bill of Costs, and Oath made thereof before the Judge, he will order, that unless the Attorney, or some other Person on his Behalf do attend the Master on his next Appointment, that he do tax the said Bill *Ex Parte*.

Proceedings on Distress and Replevin.

The Landlord, or Owner of Premises, may distrain the Goods, &c. himself, but if he employs another so to do, he must give him a Warrant or Authority in Writing, or he will not be justified in making a Distress.

Being legally authorized to make a Distress, you may enter the Tenant's House; and seising a Chair or other Piece of Furniture you say, I seise this Chair in the Name of all the Goods in this House for the Sum of £. being so much Rent due to me (or to Charles Jamard your Landlord) on the 25th Day of Dec. Instant, by Virtue of an Authority from the said Charles Jamard for that Purpose.

You then take an Inventory of all the Goods on the Premises (except only working Tools, for wearing Apparel is seisable at Discretion) though some of them may belong to Lodgers who owe no Rent.

Having taken a proper Inventory, you copy it, and leave one Part with some Person in Possession, the Tenant if you can, witnessed by two Witnesses,

who also attest a Notice, which is likewise to be underwrote the said Inventory, that the Goods are distrained for so much Rent due at such a Time, and that unless they are replevied within five Days from the date of the Notice, the Goods will be appraised and sold according to Law.

The safest Way is to remove the Goods immediately, and in your Notice to acquaint Tenant where they are removed ; but it is now most usual to let them stay on the Premises, and leave a Man in Possession to protect them till you are intitled to sell them by Law, which is on the seventh Day, because the Statute says, you are to give five Days Notice, and it is held and understood to be five whole Days, which must be exclusive of the Day Distress made.

If the Tenant wants further Time to raise the Money, and Landlord chuses to give him such Indulgence, he must take a Memorandum from Tenant, that Possession is continued at his Request, and by his Desire, or Landlord would be a Trespasser in continuing same beyond the Time limited by the Statute, and liable to an Action for so doing.

On the seventh Day search the Sheriff's Office to see that the Goods are not replevied ; if you find that they are not, you repair to the Premises ; where, if the Rent and Expences of Distress are not paid, you send for the Constable and two sworn Appraisers, the former having administered the usual Oath to the latter, they proceed to appraise and value the Goods ; it is usual for the Appraisers to buy them at their own Valuation ; and a Receipt at the Bottom of the Inventory, witnessed by the Constable is usually held a sufficient Discharge ; but if the Effects are of considerable Value, it is much more advisable to have a proper Bargain and Sale between the Landlord, the Constable, the Appraisers, and the Purchaser, for the more easy proving afterwards (if Occasion be) the Regularity of the Proceedings.

After the Goods are sold for the best Price you can get for the same you must deduct the Arrears of Rent, and all reasonable Charges, and the Overplus (if any) must be paid or applied to Tenants Use.

When a Person hath distrained on another for Rent which is not due, or which hath been satisfied by the Distrained, in an Account between him and his Landlord, or that the Distress hath been illegally made or otherwise, the only Method the Law allows the Party injured for Redress is to replevy the Goods, and thereby bring the Procedure before a Court and Jury to determine the Legality of such Distress.

The Party distrained on must, within the Time allowed by the Statute to Replevy, take two House-keepers living in the City or County where Distress made, to the Sheriff's Office of such City or County, and enter into a Bond to prosecute his Suit (so commenced by entering into the said Bond) against the Distrainer, with Effect, which being executed, the Sheriff will, by a Precept directed to one of his Bailiffs, put the Tenant into the Possession of his Goods again. Which Bond is assignable in four Days exclusive, after the Time limited therein for the Obligor to Prosecute his Suit ; and if it is not complied with, the Distrainer, on applying to Sheriff, may have an Assignment. The Sheriff charges the Same for the Assignment, as on any other Bail-Bond ; and the same Step must be taken to complete Bond, as is usual on Bail-Bonds before Suit commenced thereon against Principal and Bail. The Proceedings on the Replevin-Bond are the same as on common Bail-Bond, *mutatis mutandis*.

11th Geo 2. C: 19 S: 23 Sheriff or other Officer hav^d Authority to
grant Replevin shall take in their own Names from the Pl^t two
responsible Persons as Sureties a Bond in double the Value of the
Goods distrained (such Value to be ascertained by the Oath of one
or more credible Witneses or Witneses not interested in the Goods
or Distress w^{ch} Oath the Person grant^d Rep^l:ⁿ is authorized and
required to administer.) for prosecuting with Effect and
without Delay & for duly returning the Goods &c distrained - if
a Return be awarded.

Of Proceedings against Peers and Members of Parliament.

K. B.

In order to proceed against the Lands and Goods of a Peer or Member of Parliament, (for you cannot proceed against their Bodies at all in civil Cases while they remain Peers or Members of Parliament,) you must draw a *præcipe*, which you take to the Curfitor of the County, who will thereupon make out an Original, which you carry to the Sheriff of that County to which the Writ is directed, who will summons the Defendant to appear at the Return of the Writ;

you search with Mr. Wallis at his Office No. 12. Holbourn Court, Gray's Inn, whether the Defendant has cast an Effoin, which he may do of course any Time before the return of the Original Writ; but not afterwards; if the Defendant does not cast an Effoin within Time, you may then, at the said Mr. Wallis's Office, enter a *ne recipiatur*, and thereby gain a Term. If the Defendant casts his Effoin in Time, then he has till the first Effoin (not the first Day) of the Subsequent Term to that in which the Writ is returnable to appear; if he does not then appear, you must adjourn the Effoin to a further Day, and then sue out a *Disfringas* for want of an Appearance, for which you must make out a *Præcipe*, which you carry to the Filazer of the proper County, or you make it out yourself, and get him to sign it, and then seal it, and carry it to the Sheriff's Office; if the Deft. does not appear at the Return of the *Disfringas*, you must get the Sheriff to give you a Return of the Writ, whereupon you see an *alias*, and then a *pluries Disfringas*, when the Attorney may move at the said Bar in Westminster Hall to enlarge the Issues, which the Judges will order to be increased to the Amount of the Debt. N. B. There is no occasion for Notice of this Motion, or any Affidavit of Facts or proceedings.

By Statute 10 Geo. 3. Plaintiffs have a Power to prosecute their Suit against Peers and Members, notwithstanding the Meeting of the Parliament, and their Persons only are protected from Arrests.

An Order of Court, requiring the Appearance of a Peer or Member of Parliament, may be enforced by *Disfringas*. Same Statute.

The Servants of Peers and Members of Parliament, are, by this Statute, deprived of any Privilege they were intitled to from their respective Masters, and may now be arrested and prosecuted as a common Person.

C. P.

Draw Bill, and ingross it on treble 1 *d.* Parchment, get it signed by Prothonotary, pay 1 *s.* file it in Filazer's Office, 2 *s.* 4 *d.* sue out Writ of Summons, get it signed by Filazer and sealed, then carry it to Sheriff, and get a Summons, which give to the Officer, to serve on Deft. if Deft. does not appear in Time, sue out *disfringas* which is examined by the Bill at the Filazer's Office, and signed by him; and then proceed as in K. B. *mutatis mutandis*.

Of suing out a special Original to support a Judgment without a Trial in C. P.

Make a *Præcipe* returnable on the first Return of that Term, in which the final Judgment, if in Debt, or Interlocutory Judgment, in case of a Writ of Inquiry, is entered: Carry it to the Curfitor of the County in which Action is laid, on or before the Effoin Day of the subsequent Term; after the
proper

proper Cursitor has made out the *Original*, Plaintiff's Attorney returns it himself thus :

Pledges to prosecute, } *John Doe*
and
} *Richard Roe.*

The within-named *A. B.* hath nothing within my Bailiwick whereby *he can be attached.*

The Answer of

C. D. Esq; } Sheriff.
E. F. Esq; }

Afterwards the Plaintiff's Attorney files the *Original* with the *Custos Bre-vium : Note* ; He must file a Warrant of Attorney for the Plaintiff, and one for the Defendant, if he appeared by Attorney.

Of Passing Fines, &c.

Of Suing out and Passing a Fine at Bar.

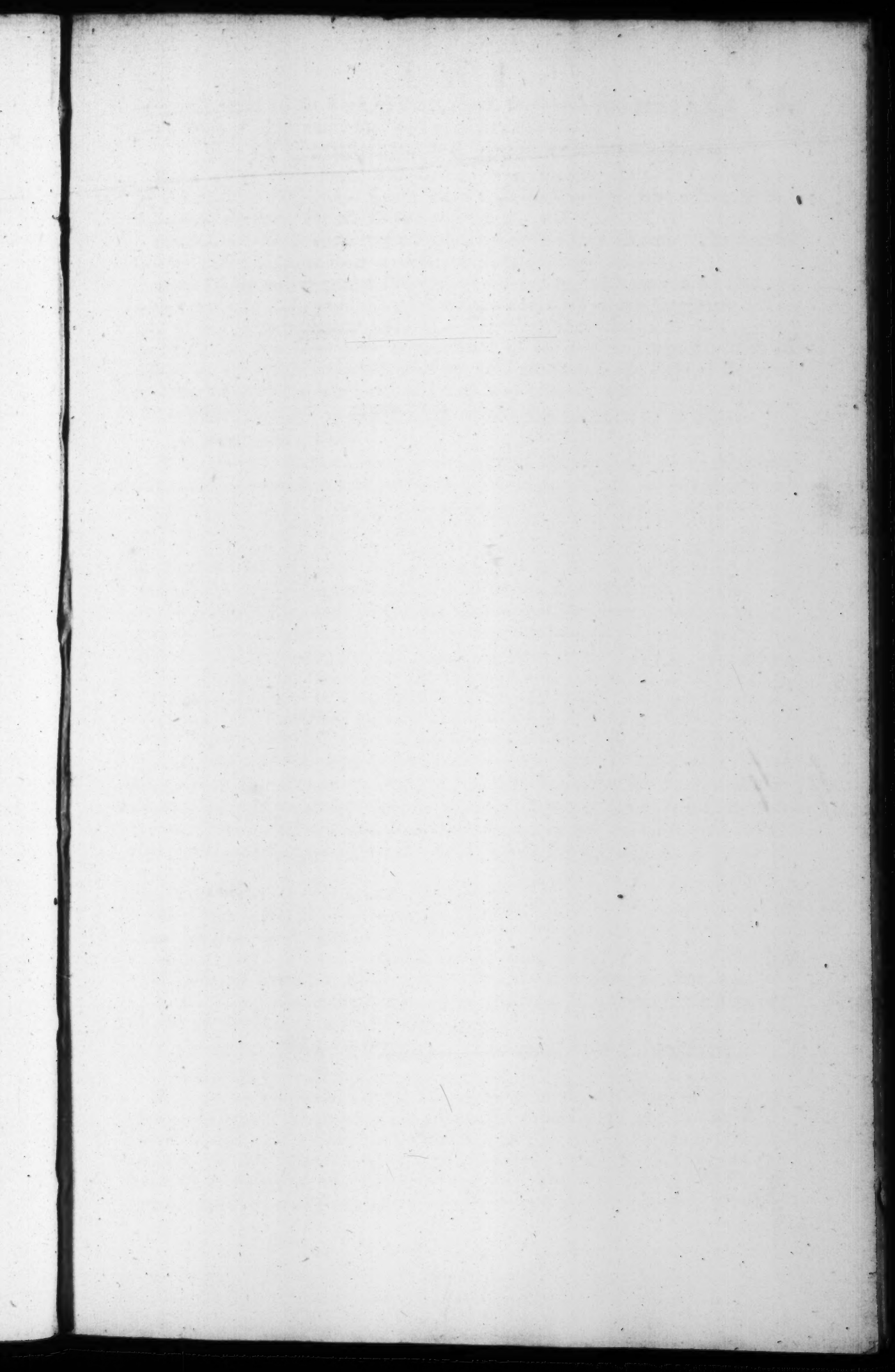
DR A W a Precipe on Paper for the Cursitor of the County to make out a Writ of Covenant, for which you pay 7 s. 6 d. and having received it from him, ingross a Precipe and Concord thereof on Parchment, and go down with the Cognisors to the *Common Pleas Bar at Westminster*, and give the Precipe, Concord and Covenant to one of the Serjeants, who after calling King Silver, will deliver over the Covenant to the Secondary ; and if any of the Cognisors be a Feme Covert, take the Precipe and Concord back from the Serjeants, and go with your Client to the puisne Judge of the Bench, sitting furthest from the Right Hand of the Chief, and deliver the Precipe and Concord to him, and he will examine her. Pay the Fees of Court, which are about 5 s. 6 d. annex the Precipe and Concord to the Covenant, and pass it through the several Offices as hereafter directed.

Before the Chief Justice of the Common Pleas.

Draw a Precipe and Concord on Paper, with the Caption under it, and another in like Manner on Parchment, to both which the Cognisors must subscribe their Names. Go with the Cognisors to the Chief Justice's Chambers in *Serjeants Inn*, or to his House, and let them acknowledge it before him, for which you pay 12 s. and generally 1 s. to the Servant, leaving the Paper Precipe with the Chief Justice's Clerk, and taking the Parchment one away, subscribed by the Chief Justice ; then carry it to the Cursitor of the County where the Lands lie, and also a Copy of the Precipe and Caption on Paper for him to keep, and he will make out a Writ of Covenant thereon to be passed as hereafter directed, or you may get a Writ of Covenant made out first.

Before a Judge of Assize on the Circuit.

Draw a Precipe and Concord on Paper and Parchment as last above, and go with the Cognisors before the Judge, where you pay 13 s. Take one of the Precipes and Concords acknowledged back with you, and when the Judge comes to Town carry it to the Cursitor, and bespeak a *Dedimus* directed to that Judge who took the Acknowledgment, and his Clerk will return the Substance
of



of the Concord on the Back of the *Dedimus*, for which you pay 1 s. 6 d. Then get a Writ of Covenant, and pass it as in other Cases.

Before Commissioners appointed by *Dedimus*.

Draw a Precipe on Paper with Commissioners Names, the first of which must be a Knight or Serjeant at Law; carry it to the Cursitor, who will make out a *Dedimus* thereon, for which you pay 1 l. 6 s. 2 d.

Send down the *Dedimus* to your Client with this Indorsement—The Execution of this Writ appears in a certain Schedule hereto annexed.

Your Client will ingross a Precipe and Concrd on Parchment in the County, which when he has returned to you acknowledged by all the Cognisors before two or more Commissioners, who have subscribed their Names to the Caption, and indorsed the same also on the Back of the *Dedimus*, together with an Affidt. of the due Acknowledgment thereof, pursuant to the Rule of Court of Hil. the 7th of G. 2. the Form whereof is as follows, viz.

The Form of an Affidavit of the due Caption of a Fine.

In the Common Pleas.

A. B. of——in the County of——one of the Attornies of his Majesty's Court of——and one of the Commissioners named in the Writ of *Dedimus Potestatem*, for taking the Acknowledgment of the Fine hereunto annexed, maketh Oath and saith, That he knows C. D. and E. his Wife, and F. G. and H. his Wife, the Conusors named in the said Fine, and that the same was duly signed and acknowledged by them before this Deponent and J. K. Gentleman, the other Commissioner named in the said Writ, on the Day and Year (or several Days and Years) mentioned in the Caption (or several Captions) thereof, and that the said C. D. and E. his Wife, and F. G. and H. his Wife, and also this Deponent and the said J. K. were at the Time of taking and acknowledging the said Fine all of full Age and competent Understanding. That the said E. and H. were solely and separately examined apart from their Husbands, and freely and voluntarily consented to and acknowledged the said Fine, and that the said Conusors and every of them knew the same to be a Fine to pass his, her or their Estate or Estates. And this Deponent further saith, That the Razure (or Razures, if any) Interlineation or (Interlineations) appearing to be made in the Body (or Caption) of the said Fine, was (or were) made before any of the said Parties signed the same, and before the said Commissioners signed the said Caption (or Captions.) Trin. 26 & 27 G. 2.

A. B.

Sworn at——in the County of——
the——Day of——in the Year of
our Lord——before me

L. M. one of, (&c.)

If sworn in Court 1 s. 6 d. at Judge's Chambers in Term 1 s. Vac. 2 s.

N. B. This Affidavit must be made on treble 6 d. Parchment by an Attorney of one of the Courts at *Westminster*.

Or thus, if the Affidavit is not made by a Commissioner.

In the Common Pleas.

A. B. of——in the County of——one of the Attornies of the Court of——maketh Oath and saith, That he knows C. D. and E. his Wife, and F. G. and H. his Wife, the Conusors named in the Fine hereunto annexed, and that the said Fine was duly signed and acknowledged by them in this Deponent's Presence, on the Day and Year, &c. and that they the said C. D. and E. his Wife, and F. G. and H. his Wife, and also J. K. and L. M. Gentlemen,

lemen, the Commissioners taking the same Fine, were at the Time or taking thereof all of full Age, &c. as in the former.

If there be only one Conusor and his Wife, say, ——— and each of them ———

N. B. The *Dedimus* stands in Force but a Year, and if there be any material Mistake in the *Dedimus*, it must be either altered or renewed; add if the Alteration be in lessening the Parcels, or Parties, it will cost only 9s. but if increased, you must pay 1l. 5s. 8d. for a new *Dedimus*; but if any small Mistake in the Agent's Instructions, or by the Curitor in ingrossing it, the Curitor being satisfied therewith will rectify it for nothing.

But in case all the Parties do not acknowledge, the *Dedimus* must be renewed, wherein those not acknowledging will be omitted (10s.) the Curitor, if desired, will renew the *Dedimus*, and make out the Writ of Covenant at the same Seal; the *Dedimus* you send down to be returned of Court (without a Recaption) by the same Commissioners who returned the old one, and in the mean while you may be passing the Writ of Covenant.

You must take the *Dedimus* and Caption down to a Judge of the *Common Pleas* at his Chambers for his *Allocatur* thereon, for which you pay 4s.

But if the Parties live in Town, you must make out a Precipe and Concord on Parchment yourself, and annexing the same to the *Dedimus*, go with two of the Commissioners (if you are not one) to the Conusors, and take their Acknowledgments, in which Case it will be necessary that you know the Conusors that they be examined whether they are of Age, and whether they know it to be a Fine to pass their Estates; and if a Feme Covert be one of the Conusors, that she be solely and separately examined apart from her Husband, that she be of Age, that she freely and voluntarily consents, and that she knows it to be a Fine to pass her Estate. Subscribe the Caption, indorse the *Dedimus*, make Affidavit of the Acknowledgment thereof, and get Judge's *Allocatur*, as before set forth.

This done, carry the same to the Curitor of the County, who will make out a Writ of Covenant, for which you pay 7s. 6d. and pass the same thro' the several Offices in the Manner following:

Of Compounding a Writ of Covenant.

Having got the *Writ of Covenant* from the Curitor, carry it to the *Alienation-Office* in the Temple to be compounded by the Commissioners, who attend from 10 to 12 in the Morning. The Rule for setting the Fine is for a Manor 20s. for an Advowson 20s. But as the Curitor will not divide Things that are entire, tho' the 4th or 8th Part only of an Advowson is intended to pass the Commissioners will moderate the Fine on making that appear to them. About 10s. for every Hundred Acres, and 6s. 8d. for every Messuage without Land, except in London, where the general Rule is to pay 1l. for every Messuage, unless the Rack Rent is sworn to before the Commissioners; therefore if you think the Fine is set too high, take your Client to the Commissioners, who will proportion the Fine according to the Rent of the Houses ascertained by his Oath before them; or if he can't attend, by an Affidavit sworn before a Judge of the *Common Pleas*, or before a Commissioner appointed to take Affidavits in that Court in the Country, which may be made thus:

Between A. B. ————— Plaintiff,
C. D. ————— Deforçant,

London



London, ff. } Of ten Messuages, &c. (as in the Writ of Covenant) the above-mentioned A. B. of the Parish, &c. maketh Oath, That the whole annual Rack Rent of the above-mentioned Premises does not exceed the yearly Sum of _____
Sworn, &c. _____ A. B.

The old Rule for the Payment of Money in the Alienation Office.

For every 5 Marks and 20 s. pays _____ 0 6 8
From 5 Marks and 20 s. to 5 Marks and 40 s. _____ 0 10 0
Above 5 Marks and 40 s. to 10 Marks and 20 s. _____ 0 13 4

And so in like Proportion for all others.

Lands rated at 2 0 0 or under, pays 0 0 0	Lands rated at 17 13 4 pays 1 13 4
At above 2 0 0 to 3 l. 6 s. 8 d. p. 0 6 8	18 13 4 1 16 8
At 5 6 8 pays 0 10 0	20 0 0 2 0 0
7 13 4 0 13 4	22 0 0 2 3 4
8 13 4 0 16 8	23 6 8 2 6 8
10 0 0 1 0 0	25 6 8 2 10 0
12 0 0 1 3 4	27 13 4 2 13 4
14 6 8 1 6 8	28 13 4 2 16 8
15 6 8 1 10 0	30 0 0 3 0 0

Besides the Fine, as above, which is called the *præ-fine*, there is another called the *post-fine*, which is as much and half as much more as the *præ-fine*, e. g. if the *præ-fine* is 6 s. 8 d. the *post-fine* is 10 s.; these used to be collected by the Sheriff of the County; but now by Stat. 32 G. 2. c. 14. § 1. they are to be paid at the same Time with the *præ-fine* and 4 d. to the Receiver.

After it has lain two Days in the *Alienation Office*, carry it to the Return Office, where you pay 1 s. 6 d. Having been in this Office two Days, make a Warrant of Attorney on Parchment in the Form following.

Trinity Term Geo. 2.

London, ff. } A. B. (the Cognisee) put in his Stead J. S. his Attorney, to prosecute a Writ of Covenant against C. D. Gent. and E. his Wife, of, &c. (naming the Parcels) with the Appurtenances, in E. in the said County.

Carry this with the Writ of Covenant to the Warrant of Attorney's Office in *Clifford's Inn*, where they will file the same, and mark your Writ for which the Fee is 4 d. Take it away with you from thence, and carry the Writ to the *Custos Brevium* Office in the *Temple*, where you pay 3 s. 8 d. Two Days after carry the *Dedimus* and Caption to the same Office to be proclaimed, and take the Covenant (after examining thereof) from thence; annex them together, and carry them to the King's Silver Office near the *Temple Garden*, where the Fee is 1 s. 8 d. or 2 s. if in the Western Circuit, and for every Caption more than one, 6 d.

Two Days after, take them from the above Office, and carry them to the Chirographer's Office in the *Inner Temple-Lane*, where you pay 5 s. 8 d. in Term, and 6 s. 2 d. in Vac. and he will deliver them over to the Clerk in whose Division the Lands lie, to ingross the indentures of the Fine.

About a Fortnight after, call at the Seat for that County in the same Office for the Indentures, for which you pay him according to the Length or number of Warranties, viz. 3 s. 6 d. for the first Warranty, and 6 d. for every other

other Warranty, and 6 *d.* where the Cognisor and Cognisee are Cross Names, as *W. A.* and *W. B.* Send the same to your Client, and thus the Fine is completed.

Note; If Expedition is necessary, the Clerks of the several Offices will dispatch your Fine for a small Fee of 6 *d.* extraordinary. For they insist that the Writ of Covenant should remain *two whole Days* in each Office, (except the Warranty of Atty. Office) as if carried on *Monday*, 'tis not due until *Thursday Morning*; therefore as *Post-Term*, are due at the several Offices, 6 *d.* dispatch at one, may often save 1 *s.* 8 *d.* at another Office, if towards the End of a Vacation, &c.

Where two or more are Purchasers.

Lands bought of divers Persons by several Purchasers may pass very well in one Fine; (but if the Parcels are considerable, the Curfitor will expect they shall be divided) and then the Writ of Covenant must be brought by all the Vendees against all the Vendors, and every Vendor must warrant against himself and his Heirs only.

When the Parcels lie in different Counties.

If the Lands lie in several Counties, you may sue out a *Dedimus* from the Curfitor of which of the Counties you please, and make out your Precipe in the following Manner:

Bedfordshire, ff.	} Command C. D. <i>that</i> , &c. (mentioning only the Parcels in that County) <i>And unless</i> , &c.
Berkshire, ff.	
	} Command C. D. <i>that</i> , &c. (mentioning the Parcels only in that County) <i>And unless</i> , &c.

You pay for the *Dedimus* 2 *l.* 9 *s.* 10 *d.* the Expence of one Stamp only being saved.

Afterwards ingross on one Piece of Parchment both the Precipes in Manner as above, and one Acknowledgment only underneath, which being signed by the Parties, and the Judge's *Allocatur* obtained thereon, the Curfitor will make out two Writs of Covenant, which you pass as usual paying thro' all the Offices (except at the Judge's for the *Allocatur*) the same Fees as if they were two distinct Fines.

Caveat.

If you would stop a Fine from passing thro' the Offices, you may enter a *Caveat* at the Judge's Chambers and King's Silver Office, and desire that Notice may be given you thereof.

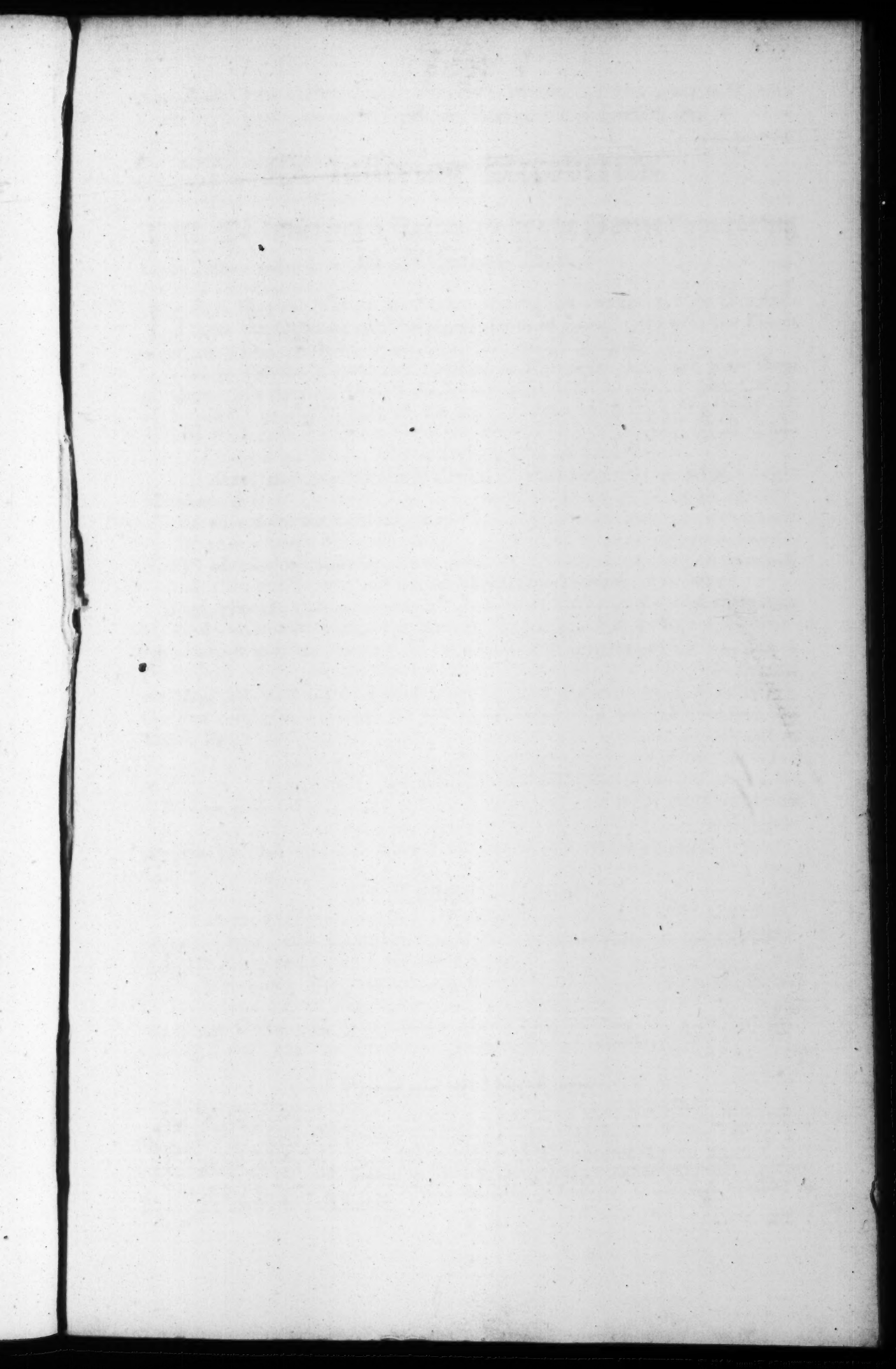
Search.

If you have Occasion to search for a Fine, the King's Silver is the proper Office; Entries thereof are kept for that Purpose, the Fee is 4 *d.* a Term; and also at the Chirographer's Office there the Fee is 2 *d.* a Term, 8 *d.* per Year.

N. B. A great many Fines upon Mortgages are carried no further than the King's Silver Office, and recorded there only.

To make Indentures Evidence.

If you want to give a Fine in Evidence, get a Copy of the Fine and Proclamations thereon from the Chirographer, and examine it yourself; then you will be admitted to prove the same at the Trial of the Cause. Some only get the Proclamations indorsed by the Chirographer, on the Indenture of Fine in their Custody; but *Q.* whether this is so safe a Way as the other.



Of suffering Recoveries.

First, Of suffering a Recovery by the Parties appearing in Person at Bar.

DR A W your Precipe on Paper, naming the Tenant and the Demandant, the Quantity of Messuages, Acres of Land, &c. with the Places where they lie. Voucher to warrant, &c. in the Margin.

Next go with the Tenant and Vouchee to *Westminster Hall*, and place them on the outside the Bar, (unless the Vouchee be a Peer, who in such Case is to be placed in the Middle of the Bar, between the King's Serjeants) and give the Precipe to one of the Serjeants, who will count thereon, &c. and having subscribed his Name, will deliver the Precipe back to you.

This done, pay the Serjeant's Clerk, if your Recovery be with a single Vouchee, 6 s.

If with a double Vouchee, 8 s.

If with a treble Vouchee, 10 s.

If with a quadruple Vouchee, 12 s.

And when the Tenant or Vouchee appears by Attorney, 4 s. more.

Then give the Precipe to one of the Secondaries, and he will enter it in his Book, and write under it at Bar; his Fee is 4 s. 6 d. and when by Warrant of Attorney, 2 s. more. If the Court be so crouded that you can't get to the Secondary, give the Precipe to the Crier, who will take it to the Secondary, for which 'tis usual to give the Crier 6 d. *N. B.* The Serjeant's Clerk usually gets it marked for you by the Secondary, and takes his and the Crier's Fee.

Of the Writ of Entry.

Having passed the Precipe at Bar, make a Copy of it for the Curfitor of that County where the Lands lie, to make out a *Writ of Entry*, for which you pay him 7 s. 6 d. and 6 d. more if the Parcels are very long.

Of Compounding it.

The Method of compounding a Writ of Entry and a Writ of Covenant, being the same, *vide* Compounding a Writ of Covenant, p. 32. but there is no *post-fine* to be paid on a *Writ of Entry*.

The Writ being Compounded, pay the Fine and the Office Fee, about 2 s. in Term, and 3 s. in Vac. to the Receiver, whose Seat faces you as you go out of the Office, and who attends there every Morning for that Purpose, leaving it with him to make the proper Indorsement thereon.

Draught of Recovery.

While the Entry is passing, prepare a Draught of your Recovery, in which take Care to name the Parcels as they are expressed in the Writ of Entry; and to avoid Mistakes, leave the Draught to be perused by the Prothon.'s Clerk, and ask him for a Plea Roll to enter it upon, which must be of that Term the Entry is returnable.

Of Writ of Seisin, Return, Teste, &c.

Three Days after compounding, fetch away the Writ of Entry, which you'll find among the Writs in the furthestmost Window of the Office on the Left Hand, and make out a Writ of Seisin on stampt Parchment, 2 s. 2 d.

Of the Return.

This Writ must be returnable at least 15 Days after the Teste Day of the Return of the Writ of Entry; but if the Entry be returnable towards the latter End of the Term, so that there are not 15 Days between the Return of the Entry and the last Return of the Term, then the Seisin must be returnable forthwith; but if the Entry be returnable the first Return of any Term except *Easter*, then the Seisin must be returnable the first Return of the subsequent Term, and if returnable the last Return of *Easter* Term, then the Seisin must be returnable the second Return of *Trinity* Term.

Of the Teste.

This Writ must be tested the fourth Day inclusive from the Return of the Writ of Entry, as if the Writ of Entry be Ret. on the Morrow of *All Souls*, the Writ of Seisin must be tested on the 6th of *November*.

Get this Writ signed by the Prothon. who takes nothing for it 'till he signs the Exemplification and seals the same, for which you pay 7 d.

Of indorsing Return of Libery of Seisin thereon.

Indorse the Sheriff's Return of Seisin thereon, which Seisin you may make to be delivered any Day between the Teste and Return of the Writ, so it be not on a *Sunday*, allow that a Man may ride from *Westminster* to the Place where the Premises lie and back again by that Time, which may be supposed to be done in six Days in any Part of *England*; but see the Draught as settled for it.

Pin the Entry and Seisin together, and leave them at the Return Office kept at the Common Pleas Office in the *Temple*; where you pay 1 s. 6 d. on each Writ for the proper Indorsement thereon. Two Days after call for your Writs at the Return Office, and leave the Entry at the Attorney General's Chambers for his Hand, whose Fee is 10 s. and in two Days more take it away, which is the last Office this Writ passes thro'.

Of Ingrossing Recovery on the Roll.

The Writs being passed, enter the Draught of your Recovery on the Roll, in a strong ingrossing or Text Hand, as far as in *Mercy*, &c. and then in a small Hand to the End.

Of Exemplifying the Recovery.

Having entered up the Roll, exemplify your Recovery in a strong Ingr of sing or Text Hand, on a 10 s. Stamp, Beginning *GEORGE the Third, &c. TO ALL to whom these our present Letters shall come, Greeting: KNOW YE, that amongst the Pleas of Land inrolled at Westminster before Sir William de Grey, Knt. and his Brethren, our Justices of the Common Bench, of the Term of Easter, in the* Year of our Reign, upon the Roll it is thus contained; *Writ of Entry returnable from Easter-Day in five Weeks; Berks, to wit, A. B. in his proper Person—*Beginning with the Roll, continue it in the same Hand

h c

of
n
e

2

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841

Hand to the End, without any breaking off, except when the Return of Seisin is with an *Ad quem Diem*, (of which see the last) in which Case, that Part must be on the folding up of the Exemplification, and afterwards in the same Hand and Line conclude thus, *ALL and singular which Premises at the Request of the said A. (the Demandant) by the Tenor of these Presents we have commanded to be exemplified. In Testimony whereof we have caused our seal appointed for sealing Writs in the Bench aforesaid to be affixed to these Presents, WITNESS Sir William de Grey, Knt. at Westminster, the* Day of *in the* Year of our Reign.

C. B.

Of the Teste of the Exemplification.

The Teste of the Exemplification being governed by the Return of the Writ of Seisin, these Rules may be laid down: That,

If the Seisin be returnable forthwith, the Exemplification must be tested the last Day of the Term.

If returnable in the same Term Judgment is given, it must be tested some Day afterwards in the same Term.

If returnable of a subsequent Term, it must be tested the last Day of the Term Judgment is given.

Of Passing the Recovery with the Prothon. &c.

The Exemplification finished, carry it with the Roll and Writs to the Prothonotary's Office, and ask for the Recovery Remembrance of that Term the Writ of Entry is returnable; ingross the Precipe thereon, and add in small Hand the Return and Teste of the Entry, with the Names of the Summoners, Pledges and Sheriff, as the Prothonotary's Clerk will shew you, and how to docket the same.

This done, examine the Precipe, Writ, Roll, and Exemplification with the Prothonotary's Clerk, who will afterwards sign your Exemplification.

The Prothonotary's Fees on signing a Recovery are as under:

If with a double Voucher in Person, (as this we have given Directions in is) 13 s. If with a double Voucher by Warrant of Attorney, 1 l. 5 s. If with a treble Voucher, 2 l. And so according to the Number of Vouchers.

Of Sealing the Recovery.

Lastly, Get the Exemplification sealed at the Seal-Office, for which you pay 2 s. 2 d. and for a Box, and to the Sealer, 10 d. in all 3 s.

Second, Of suffering a Recovery by the Parties appearing by Attorney.

Having shewn the Method of suffering a Recovery when the Tenant and Vouches appear in Person at Bar, we will now give Directions for suffering a Recovery when the Parties appear by Attorney.

When the Tenants or Vouches live distant from London, and cannot or will not appear in Person, they appear by Attornies, and the Warrant of Attorney for this Purpose may be taken two ways:

1st, Either by any of the Judges of the Assize, (and as some say, by Serjeants at Law) in their Circuits, without a *Ded. Potestatem*. Or, (which is most usual)

2^{dly},

ally, By a *Ded. Potestatem* directed to Commissioners; but as the first is seldom practised, we shall give Directions only where it is by *Dedimus*; and as the Vouchees usually make one who lives in Town *Tenant* to the *Precipe*, who will appear in Person at Bar, a *Dedimus* to take the Acknowledgment of the Warrants of Attorney of the Vouchees will be sufficient.

Of the *Dedimus* to take the Warrant of Attorney of the Vouchees.

Draw and leave a Copy of the *Precipe* with the Curfitor to make out a *Dedimus* by, and write underneath Commissioners Names, (one of whom must be a Knight) for which you pay 1 *l.* 6 *s.* 2 *d.* send it down into the Country; where your Client will appoint two of the Commissioners to take the Warrants of Attorney of the Vouchees, which must be wrote on Parchment without any Stamp, together with a Copy of the *Precipe*, in the following Form:

Precipe and Warrant of Attorney.

London, *ff.* } Command, &c. (the *Precipe*.)

London, *ff.* } C. D. and E. his Wife (if she be a Party) whom A. B. (the
} *Tenant*) vouches to Warrant, appoint in their Stead F. G. and
H. I. their Attornies jointly and severally against K. L. to gain or lose of a
Plea of Land, &c.

Taken and received by the said C. D. and
E. his Wife, (and the said E. examined
apart) the Day of in the Year
of our Lord 1772, before us

C. D.
E. D.

M. N.
O. P.

This done, they annex the Warrant of Attorney to the *Dedimus*, and on the Back of the *Dedimus* indorse, *The Execution of this Writ appears in a certain Schedule hereto annexed*, under which the Commissioners subscribe their Names, and 'tis prudent for them to examine the Wife apart before she acknowledges.

The *Dedimus* being returned up again to you with the Warrant of Attorney, you then draw a fair Copy of the *Precipe* on Paper, which you give to a Serjeant on your appearing as *Tenant* to pass it at Bar, shew him the Caption of the Warrant of Attorney of the Vouchees; upon which, after counting thereon, he will sign the *Precipe*, and will then give it to a Prothon. who will mark thereon *At Bar*; the Crier will then take it and give it to the Serjeant's Clerk to deliver to you, to whom you pay the Fees.

Of Entry, *Mittimus*, and Transcript.

Then carry the *Dedimus* and Warrant of Attorney to the Curfitor, and he will make out a *Writ of Entry, Mittimus* and *Transcript*, for which you pay 1 *l.* 1 *s.* which is 7 *s.* 6 *d.* for the *Writ of Entry*, and 13 *s.* 6 *d.* for the *Mittimus* and *Transcript*. Next carry your *Writ of Entry* to be compounded, the Draught of your Recovery to be perused by the Prothon. Clerk, and ask for Rolls to enter the Proceedings on, as before directed.

is
nd
ce,
of

2

a
m
ne
ce
n-
d-

r
d
a

a
r
c

b

2

1

1

1

To know what Term the Rolls are to be of.

If the Writ of Entry and Summons are both returnable the same Term, then all the three Rolls, to wit, the Summons Roll, and the two Recovery Rolls (for it commonly takes up two Rolls) must all be of the same Term; or you may make two Rolls do, by beginning to enter the *Mittimus* and Transcript at a little Distance after the Warrant of Attorney on the first Roll: but if the Writ of Entry and Summons are returnable in different Terms, then the Summons Roll must be of that Term the Entry is returnable.

While the Writ of Entry lies at the *Alienation Office*, make out the Summons and Seisin, sign them with the Prothon. and seal them, in order to have them ready to carry with the Entry to the Return Office, where you pay 4s. 6d.

Of the Return of the Summons.

By Stat. 24 G. 2. c. 48. for the Abbreviation of *Michaelmas Term*.

It is enacted, for the more speedy perfecting Recoveries, That from and after the Feast Day of St. Michael 1752, all and every Writ of Summons shall be abridged to four Returns inclusive, therefore the Summons must now be returnable the fourth Return after the Return of the Writ of Entry, including the Return of the Writ of Entry for one; as if the Writ of Entry is returnable on the Morrow of *All Souls*, then the Summons must be returnable from the Day of St. Martin in fifteen Days.

N. B. It is likewise further enacted by the said Act, That from and after *Michaelmas* 1752, all Writs and Process hereafter to be made out of any of his Majesty's Courts at *Westminster*, and having Day from the fourth Day of the Morrow of the *Ascension* to the Morrow of the *Holy Trinity*, shall be good and effectual, notwithstanding there be not fifteen Days between the Tests and the Return of the said Writs.

Of the Tests of the Summons.

It must be tested the fourth Day inclusive from the Return of the Writ of Entry; as if the Writ of Entry be returnable on the Morrow of *All Souls*, the Summons must be tested the 10th of *November*.

Of the Return of the Seisin.

The Seisin must be returned on some Return fifteen Days at least after the Tests Day of the Return of the Writ of Summons; but if there are not fifteen Days between the Return of the Summons and the last Return of the Term, the Seisin must be returnable forthwith. If the Summons be returnable the last Return of any Term except *Easter*, then the Seisin must be returnable the first Return of the subsequent Term; and if returnable the last Return of *Easter Term*, then the Seisin must be returnable the second Return of *Trinity*.

Of the Tests of the Seisin.

It must be tested the fourth Day inclusive from the Return of the Summons, as above.

Indorse Return of Seisin as shewn in the Recovery at Bar, and after you have taken away the Writs from the Return Office, carry the Entry for the Attorney General's Hand, as there likewise is directed.

While the above Writs are passing, you may be entering up the Rolls, and exemplifying the Recovery, or you may stay till they have gone thro' all the Offices. The Method is this:

Of Entering up the Summons Roll.

On the Summons Roll begin with the Draught of your Recovery in a large Ingrossing or Text Hand.—*L. ff.* and continue that Hand till you come to the Warrant of Attorney, (*and upon this, &c. Plea aforesaid, &c.*) which must be wrote in a small Hand, and ends the Summons Roll.

Of Entering up the Recovery Roll.

Next begin on the Recovery Roll in a small Hand as follows :

Our Lord the King hath sent here to the Justices of the Bench his Writ of Mittimus closed, together with the Tenor of his said Majesty's certain Writ of Dedimus Potestatem, for receiving the Warrant of Attorney, and the Return of the same Writ, and also the Warrant of Attorney, taken thereon in these Words, George, &c. going on in the same Line and Hand with the Writs verbatim to the End, entering the Mittimus, which Writ is the smallest Writ, first,

The Writs being entered, begin a new Line in a strong Ingrossing or Text Hand, Elsewhere, as it appears in the Term of last past, upon the Roll, (viz. the Summons Roll) 'tis thus contained, Writ of Entry returnable, &c. L. ff. going on as far as Mercy, &c. and then in a small Hand to the End.

But if the Summons Roll and Recovery Roll are of the same Term, then instead of saying the Term of *East. last past*, say the same Term ; or if you begin to enter your *Mittimus* and Transcript after the Warrant of Attorney on the Summons Roll, which you may do if you please, then say, *Elsewhere*, as it appears of this same Term on this same Roll, it is thus contained.

Of Exemplifying the Recovery.

Having entered up your Rolls, exemplifying your Recovery in a large Ingrossing or Text Hand, on a 10 s. Stamp, beginning, *GEORGE, &c. TO ALL to whom these our present Letters shall come, Greeting; KNOW YE, that amongst the Pleas of Land inrolled at Westminster, before Sir William de Grey, Knt. and his Brethren our Justices of the Bench, of the Term of Year of our Reign, upon the and Rolls (viz. the Recovery Rolls) it is thus contained, Elsewhere, as it appears (as on the Roll) upon the Roll it is thus contained, Writ of Entry returnable on, &c. L. ff. going on as in a Recovery at Bar, and pass the same as there directed.*

When the ad quem Diem must be on the folding up of Label (as 'tis called) of the Recovery.

As this may happen both in Recoveries at Bar, and in those suffered by Attorney, we have placed it last, therefore observe.

That if the Writ of Entry or Summons be returnable so late in the Term, that the Writ of Seisin cannot be made returnable the same Term, but that it must be returnable the next Term, after having awarded the Return of the Writ of Seisin, go on with *All which, &c.* and upon the folding up of the Exemplification, write in the same Hand the *Ad quem Diem, &c.*

Caveat.

By leave of the Court a Caveat may be entered at the Prothonotary's Office, and with the King's Silver, to prevent a Recovery or Fine passing without Notice being first given where such or such a Person will be Vouches or Cognizor.

If

a
ne
ch

of
of
of
s,
m

xt
be
y
ll

n
u
y
s,

ce
ce
ce
y
ce
g

?

y

t
e
ce

h
A

s
s
s
f

If you have Occasion to search for a Recovery, the Warrant of Attorney Office is the proper Office, where you pay 4*d.* a Term searching.

N. B. No Warrant of Attorney is filed at the Warrant of Attorney Office on a Writ of Entry as on a Covenant.

Cities and Towns having a Sheriff or Sheriffs.

Cities of *Bristol, Coventry, Chester, York, Gloucester, Lincoln, London, Norwich* and Town of *Nottingham*, have two Sheriffs.

Cities of *Canterbury, Exeter, Litchfield* and *Worcester*, have one Sheriff.

Towns of *Kingston upon Hull, Southampton, Pool*, and *Newcastle upon Tyne*, have one Sheriff.

The Terms.

K. B.

Hilary Term

Contains three Weeks and one Day, and hath four Returns.

It begins the 23d *January*, if not *Sunday*, and then 24th, and ends 12th *February*, if not *Sunday*, and then the 13th.

Returns by Original.

1. In eight Days of *St. Hilary*. On next after the Octave of *St. Hilary*.
2. In fifteen Days of *St. Hilary*. On next after fifteen Days from the Day of *St. Hilary*.
3. On the Morrow of the Purification of the Blessed Virgin Mary. On next after the Morrow of the Purification of the Blessed Virgin Mary.
4. On the Octave of the Purification of the Blessed Virgin Mary. On next after the Octave of the Purification of the Blessed Virgin Mary.

Writs must not be made returnable on the 2d Day of *February* in *Hilary* Term, it not being a Court Day.

C. P.

Hilary Term

Contains three complete Weeks, and hath four Returns.

It begins the 23d *January*, if not *Sunday*, and then the 24th, and ends 12th *February*, if not *Sunday*, and then the 13th.

Returns by Original.

1. In eight Days of *St. Hilary*. On next after eight Days of *St. Hilary*.
2. In fifteen Days of *St. Hilary*. On next after fifteen Days of *St. Hilary*.
3. On the Morrow of the Purification of the Blessed Virgin Mary. On next after the Morrow of the Purification of the Blessed Virgin Mary.
4. In eight Days of the Purification of the Blessed Virgin Mary. On next after eight Days of the Purification of the Blessed Virgin Mary.

Writs must not be made returnable on the 2d Day of *February* (the Feast of the Purification of the Blessed Virgin Mary) in *Hilary* Term, it not being a Court Day.

Easter

K. B.

Easter Term

Contains three Weeks and six Days, and hath five Returns.

It begins the *Wednesday* Fortnight after *Easter* Day, and ends on the *Monday* before *Whitsunday*.

Returns by Original.

By Bill, &c.

1. From *Easter* Day in fifteen Days. On *Wednesday* next after fifteen Days from the Day of *Easter*.
2. From *Easter* Day in three Weeks. On next after three Weeks from the Day of *Easter*.
3. From *Easter* Day in one Month. On next after one Month from the Day of *Easter*.
4. From *Easter* Day in five Weeks. On next after five Weeks from the Day of *Easter*.
5. On the Morrow of the Ascension of our Lord. On *Monday* next after the Morrow of the Ascension of our Lord.

Writs must not be made returnable on the 28th *May* (Ascension Day) in *Easter* Term, it not being a Court Day.

C. P.

Easter Term

Contains three Weeks and six Days, and hath five Returns.

It begins the *Wednesday* Fortnight after *Easter* Day, and ends on the *Monday* before *Whitsunday*.

Returns by Original.

By Attachment, Bill, &c.

1. In fifteen Days of *Easter*. On *Wednesday* next after fifteen Days of *Easter*.
2. In three Weeks from the Day of *Easter*. On next after three Weeks from the Day of *Easter*.
3. In one Month from the Day of *Easter*. On next after one Month from the Day of *Easter*.
4. In five Weeks from the Day of *Easter*. On next after five Weeks from the Day of *Easter*.
5. On the Morrow of the Ascension of our Lord. On *Monday* next after the Morrow of the Ascension of our Lord.

Writs must not be made returnable on the 28th *May* (Ascension Day) in *Easter* Term, it not being a Court Day.

K. B.

Trinity Term

Contains twenty Days, and hath four Returns.

It begins the *Friday* after *Trinity Sunday*, and ends on the *Wednesday* Fortnight after it begins, unless that Day happens to be the 24th *June*, and then on the Day after.

Returns by Original.

By Bill, &c.

1. On the Morrow of the *Holy Trinity*. On *Friday* next after the Morrow of the *Holy Trinity*.
2. On the Octave of the *Holy Trinity*. On next after the Octave of the *Holy Trinity*.
3. From the Day of the *Holy Trinity* in fifteen Days. On next after fifteen Days from the Day of the *Holy Trinity*.
4. From the Day of the *Holy Trinity* in three Weeks. On *Wednesday* next after three Weeks from the Day of the *Holy Trinity*.

Writs must not be made returnable on the 24th Day of *June* (*Midsummer Day*) in *Trinity* Term, it not being a Court Day; unless it happens to be *Friday* next after *Trinity Sunday*.

C. P.

Trinity Term

Contains twenty Days, and hath four Returns.

It begins the *Friday* after *Trinity Sunday*, and ends on the *Wednesday* Fortnight after it begins, unless that Day happens to be the 24th *June*, and then on the Day after.

Returns by Original.

By Attachment, Bill, &c.

1. On the Morrow of the *Holy Trinity*. On *Friday* next after the Morrow of the *Holy Trinity*.
2. In eight Days of the *Holy Trinity*. On next after eight Days of the *Holy Trinity*.
3. In fifteen Days of the *Holy Trinity*. On next after fifteen Days of the *Holy Trinity*.
4. In three Weeks from the Day of the *Holy Trinity*. On *Wednesday* next after three Weeks from the *Holy Trinity*.

Writs must not be made returnable on the 24th Day of *June* (*Midsummer Day*, or the *Feast of St. John the Baptist*) in *Trinity* Term, it not being a Court Day; unless it happens to be the first Day of the Term.

Michaelmas



K. B.

Michaelmas Term

Contains three Weeks and one Day, and hath four Returns,

It begins on the 6th *November*, if not *Sunday*, otherwise the 7th, and ends on the 28th *November* if not *Sunday*, then the 29th.

Returns by Original.

By Bill, &c.

1. On the Morrow of *All Souls*. On next after the Morrow of *All Souls*.
2. On the Morrow of *St. Martin*. On next after the Morrow of *St. Martin*.
3. In eight Days of *St. Martin*. On next after the Octave of *St. Martin*.
4. In fifteen Days of *St. Martin*. On next after fifteen Days from the Day of *St. Martin*.

C. P.

Michaelmas Term

Contains three Weeks and two Days, and hath four Returns:

It begins on the 6th *November*, if not *Sunday*, otherwise on the 7th, and ends on the 28th *November*, if not *Sunday*, then on the 29th.

Returns by Original.

By Attachment, Bill, &c.

1. On the Morrow of *All Souls*. On next after the Morrow of *All Souls*.
2. On the Morrow of *St. Martin*. On next after the Morrow of *St. Martin*.
3. In eight Days of *St. Martin*. On next after eight Days of *St. Martin*.
4. In fifteen Days of *St. Martin*. On next after fifteen Days of *St. Martin*.

In this Court, *St. Martin's Day*, 11th of *November*, is not considered as a Non-judicial Day.

O B-

OBSERVATIONS

O N,

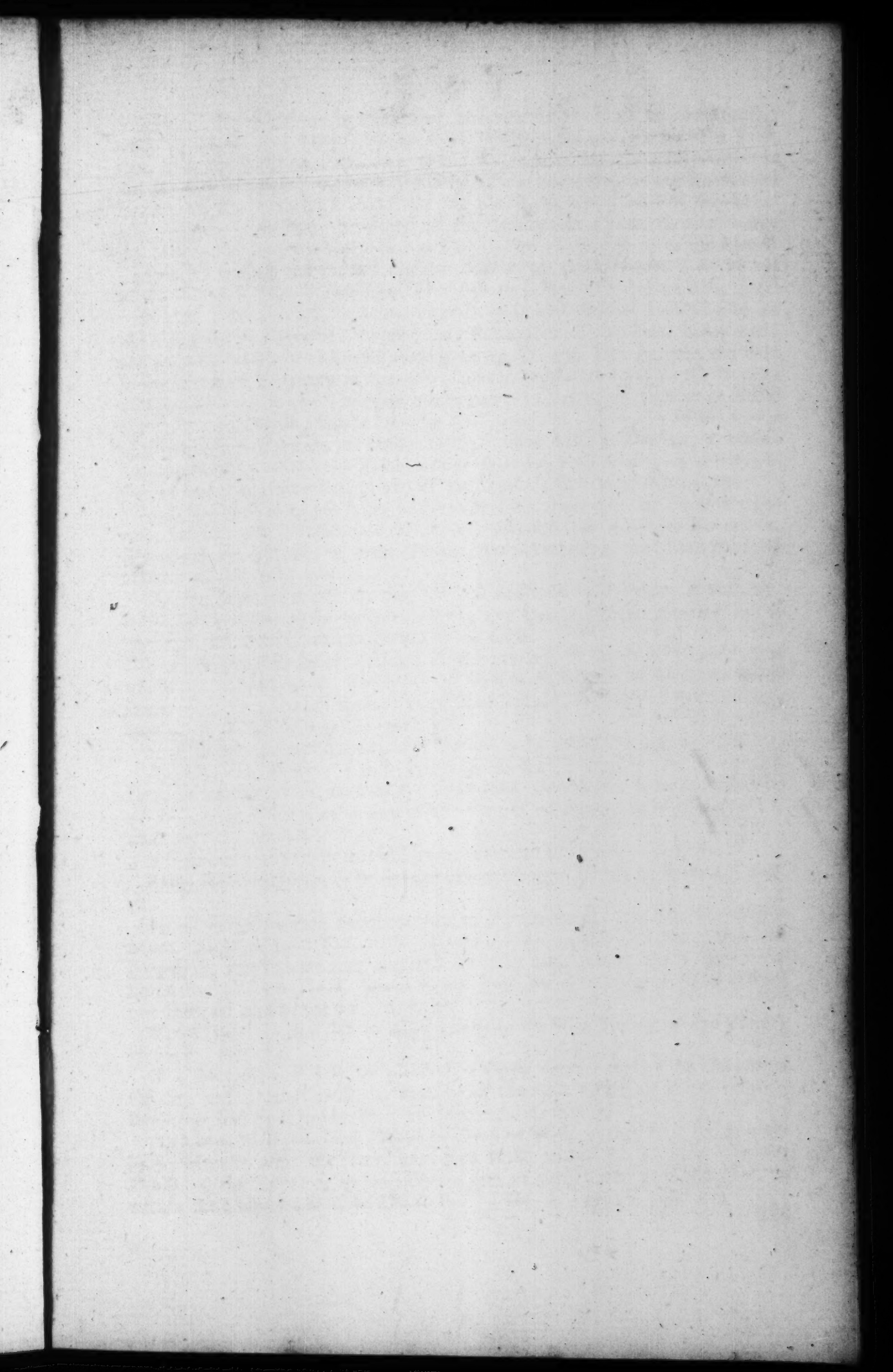
And DIRECTIONS for the INROLMENT
of DEEDS.

AS many Gentlemen of the Law, through a Multiplicity of Business, have not Leisure to look into the several Laws and Acts of Parliament made for the Inrolment of Deeds, by which Means a Notion has prevailed with many Gentlemen, otherwise very eminent in their Profession, that some particular Deeds, such as Bargains and Sales under a Commission of Bankruptcy, cannot be inrolled in either the Court of King's Bench or Common Pleas, but must be inrolled in Chancery, and many other Notions having prevailed equally prejudicial to the Practisers in this Branch of Business, the Writer of this Treatise, who has long practised the Law, and been particularly conversant in this Branch of it, has thought proper, for the Ease of those Gentlemen who have more Employment than himself, to lay before them in the most concise Manner, the several Statutes now in Force, made for the Inrolment of Deeds, by which it evidently appears, that a Deed of Bargain and Sale, under a Commission of Bankruptcy, or any other Bargain and Sale, or any other Deed whatsoever, save Grants from the Crown, and Deeds for charitable Purposes, inrolled in the Court of King's Bench or Common Pleas, are and will be equally effectual to all Intents and Purposes, as if inrolled in the Court of Chancery. He has also shewn the Method of inrolling Deeds in those three Courts, with a List of the Fees payable at their respective Offices, and what the Attorney is allowed to charge to his Client.

The first Act for the Inrolment of Deeds which is worthy of Notice, was made in the 27th of *Henry 8.* by which it is enacted, That no Land shall pass by Bargain and Sale, unless it be by Writing, indented, sealed, and inrolled in one of the King's Courts of Record at *Westminster*, or within the County where the Lands lie, and the same Inrolment to be made within six Months next after the Date of such Bargain and Sale. *27 Hen. 8. cap. 16.*

If the Deed is inrolled the last Day of the six Months after the Day of the Date, it is a good Inrolment. If the Deed hath no Date, the Day of the Delivery is the Day of the Date, and the Deed may be inrolled within six Months after the Delivery. *2 Inst. 674.*

The



The six Months are to be computed at twenty-eight Days by the Month ; when a Statute accounteth by the Year, Half Year, or Quarter of a Year, then you must reckon according to the Kalendar. So a Twelvemonth (in the singular Number) includes the whole Year according to the Kalendar ; but twelve Months, six Months (in the plural Number) shall be accounted after twenty-eight Days to every Month (except in a *quare impedit*, where the Law reckons by the Kalendar, and by 13 *Geo. 1. ch. 29.* as to the Month limited for taking the Oaths) for the Month by the Common Law is but twenty-eight Days. 1 *Inst. 135. b. 2 Inst. 674, 675. 6 Rep 62. Skin. 314.*

By *stat. 3 Eliz. c. 26.* Indentures of Bargain and Sale of Lands lying in the Counties of *Lancaster, Chester,* and Bishoprick of *Durham,* being made and inrolled within six Months next after the Date of such Bargain and Sale in the Court of Chancery at *Lancaster,* concerning Lands lying in the County of *Lancaster,* or in the Court of Exchequer at *Chester,* or Justices of Assize at *Chester,* concerning Lands lying in the County of *Chester,* or in the Court of Chancery at *Durham,* or before the Justices of Assize at *Durham,* concerning Lands lying within the Bishoprick of *Durham,* shall be as good and available in Law, as if inrolled in any of the Queen's Courts at *Westminster.*

Not to extend to Lands lying within any City, Borough, or Town Corporate, within any of the said Counties, wherein the Mayors, Recorders, Chamberlains, Bailiffs, or other Officers, have Authority, and have lawfully used to inrol Deeds. *Sec. 2.*

Stat. 21 Jam. 1. c. 16. By this Act it is declared to be Felony to acknowledge, or procure to be acknowledged, any Deed or Deeds inrolled in the Name of any Person not consenting to the same.

Every Skin or Piece of Vellum, or Parchment, or Sheet of Paper, upon which any Conveyance, Surrender of Grants or Offices, Release, or other Deed whatsoever, which shall be inrolled of Record, shall have a five Shillings Stamp. 5 *W. & M. cap. 21. sect. 3.*

Such Deeds exempt from further Duties. 9 & 10 *W. 3. cap. 25. sect. 52.*

Bargains and Sales of Lands lying in the East Riding of the County of *York,* or in the Town of *Kingston upon Hull,* inrolled at *Beverley,* shall be as effectual as if inrolled in one of the Courts of Record at *Westminster.* 6 *Ann. cap. 35. sect. 16.*

A Bargain and Sale so inrolled to be sufficient Evidence. *Sec. 17.*

Every such Inrolment to be deemed the entering a Memorial thereof. *Sec. 18.*

In all Bargains and Sales inrolled in Pursuance of this Act, the Words *Grant, Bargain,* and *Sell,* shall amount to an express Covenant, that the Bargainor, notwithstanding any Act done by him, was at the Time of the Execution of such Deed, seized of the Premises thereby granted and sold, free from all Incumbrances. *Sec. 30.*

The Clauses in this Act to affect Lands in the West Riding of the County of *York.* *Sec. 34.*

If a Bargain and Sale be pleaded, a Copy thereof signed by the proper Officer, and proved on Oath, shall be of the same Effect as if the original Indenture had been produced. 10 *Ann. cap. 18. sect. 3.*

No Lands shall pass from Papists by Deed or Will, except such Deed, within six Months after the Date, and such Will, within six Months after the Death of the Testator, be inrolled in one of the Courts at *Westminster,* or within the County where the Lands lie. 3 *Geo. 1. cap. 18. sect. 6.*

Bar-

Bargains and Sales of Lands lying in the North Riding of the County of York, inrolled by the Register appointed for said North Riding, as effectual as if inrolled according to 27th Hen. 8. cap. 16. and the Copies of Deeds so inrolled good Evidence. 8 Geo. 2. cap. 6. *sec.* 21.

Such Inrolment to be deemed the Entry of a Memorial. *Sec.* 25.

In all Bargains and Sales inrolled in Pursuance of this Act, the Words *Grant, Bargain, and Sell*, shall amount to an expresse Covenant, that the Bargainor, notwithstanding any Act done by him, was, at the Time of the Execution of such Deed, seized of the Premises thereby sold, free from all Incumbrances. *Sec.* 35.

By the above Acts of Parliament it appears evident to the meanest Understanding, that no Preference is given to any particular Court of Law or Equity, but that a Deed inrolled according to the above Acts of Parliament, is and will be every Way as effectual as if inrolled in the Court of Chancery. Every Deed, before it is inrolled, must either be acknowledged by one of the Parties before a Master in Chancery, or a Judge of the Court wherein inrolled, or have a *Fiat* granted upon it by a Judge, which is the Officer's Warrant for inrolling the same. A Deed may be inrolled without the Examination of the Party himself; for it is sufficient if Oath is made of the Execution of the Deed. *Salk.* 389. In this Case the Affidavit of the Execution of the Deed must be annexed to, and inrolled with, the Deed, and a *Fiat* granted by a Judge for inrolling it, by which Means a Deed, though executed by all the Parties in the Country, may be inrolled in any of the Courts at *Westminster*. In like Manner, if two are Parties, and the Deed acknowledged by one, the other is bound by it; and if a Man lives abroad, and would pass Land in *England*, a nominal Person may be joined with him in the Deed, who may acknowledge either, and it will be binding. 1 *Salk.* 389.

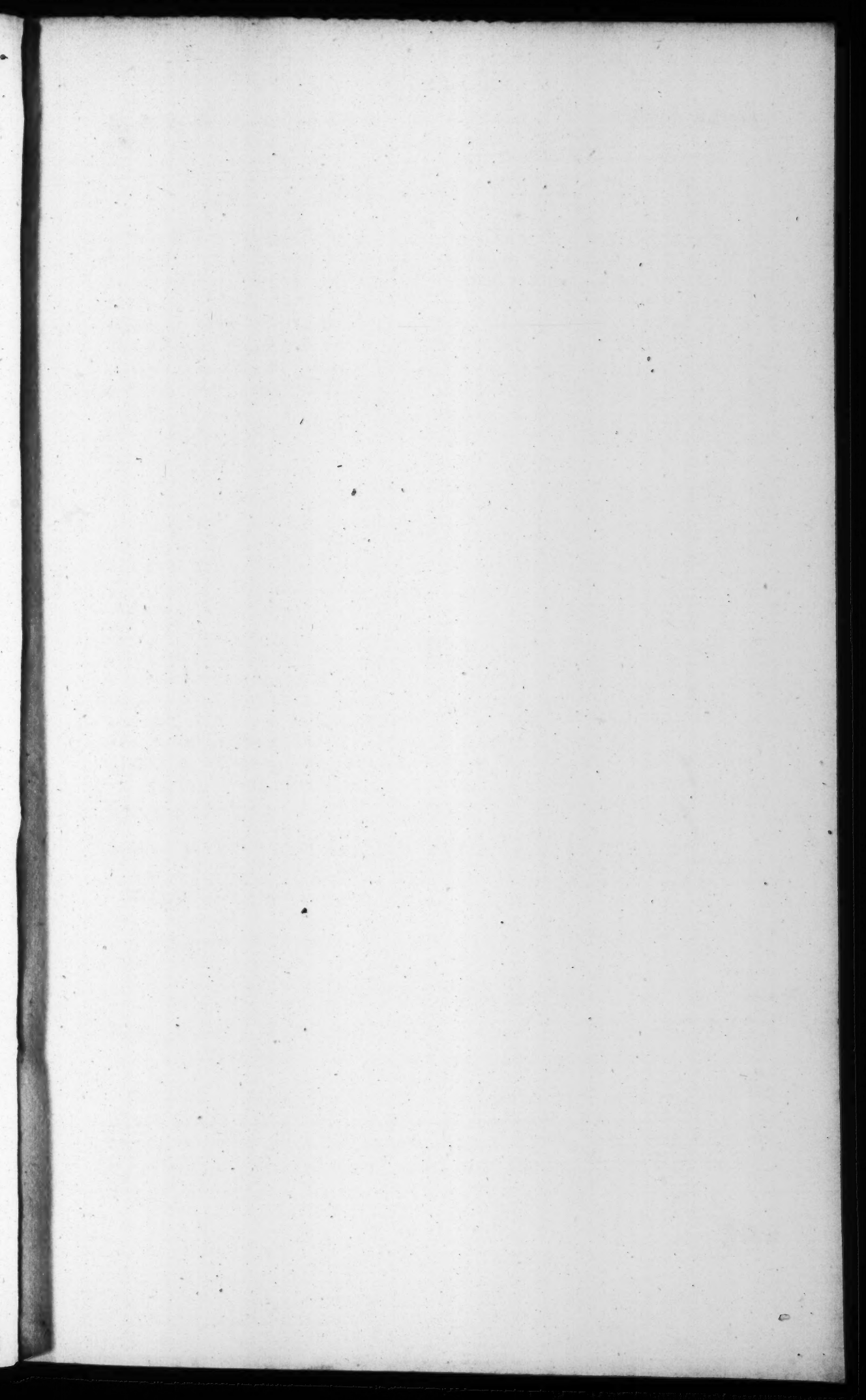
The Method of inrolling Deeds in the several Courts at *Westminster*, with a List of the Fees payable in each Court.

In the Court of Chancery.

CARRY the Deed to the Master's Office in *Symmond's Inn*, and get it acknowledged by one of the Parties; but if the Party cannot attend, then one of the Witnesses must make an Affidavit of the due Execution of the Deed, which Affidavit must be annexed to the Deed. In this Court a *Fiat* is never granted. Afterwards carry it to the Inrolment Office, under the Six Clerks Office, and there leave it to be entered upon the Roll in about eight Days after, or according as their Business shall happen, to call for it.

Fees for inrolling in this Court.

	Officer's Charge.			Attorney's Charge.		
Acknowledging	—	—	0 2 6	0 2 6		
Swearing Affidavits	—	—	0 1 6	0 1 6		
Inrolling for each Roll or Prefs, containing 90 Lines, and each Line 14 Words			0 10 0	0 10 0		
Indorsing and Certifying	—	—	0 5 4	0 5 4		



N. B. In this Court the Attorney can only charge for himself his Attendances, the full Fees for inrolling being paid at the Office.

In the King's Bench.

CARRY the Deed to a Judge of this Court, if a Bargain and Sale; one of the Parties must acknowledge it either in Court or before a Judge at his Chambers; but of the Deed requires only a Judge's *Fiat*, then the Party needs not attend; the Deed must be left with the Judge, who with his own Hand, delivers it in Court to the Master, and desires him to inroll it; if in Term Time, the Deed may be got immediately; but if in the Vacation, it must remain with the Judge till the following Term; when you get the Deed, call for Rolls from the Clerk of the Docquets in this Court, or from Mr. Adams, Stationer, in *Lincoln's Inn*, pay 4*d.* for each Roll, which is allowed for at carrying in the Rolls; ingross the Deed upon these Rolls, beginning with this Form:

Be it remembered, that on the 20th Day of *April*, in this same Term, before the Lord the King, at *Westminster*, Sir *Richard Aston*, Knight, one of the Justices of the Lord the King, assigned to hold Pleas in the Court of the said Lord the King, before the King himself, here recordeth, that on the Day of (the Date of the Acknowledgment of the Deed) at *Serjeants Inn in Chancery Lane, London*, came *A. B.*——(the Person that acknowledgeth the Deed) in his proper Person, and brought before the same Justice then there, a certain Indenture, which he acknowledged to be his Deed, and prayed that the same Indenture might be inrolled of Record as his Deed in the Court of the said Lord the King, before the King himself, which said Indenture the aforesaid Justice, by his own proper Hands, hath now delivered into Court, here to be inrolled, and it is inrolled in these Words, to wit, This Indenture, &c. Then go on *verbatim* with the Deed, copying every Word with the Names of the Parties signing and making a Mark for the Seals, when done and examined. Ingross upon the Back of the Deeds these Words:

Inrolled in the Court of our Lord the King, before the King himself of *Easter Term* in the twelfth Year of the Reign of King } Roll:
George the Third.

Then make a Docquet of the Deed upon a Slip of Paper, in this Form:

Easter Term 12 Geo. 3.

Bucks, ss. Indenture of Bargain and Sale, dated between, &c. (the Names of the Parties) of, &c. (a short Abstract of the Premises.)

Carry this, with the Deed and Rolls, to the Clerk of the Docquets in the King's Bench Office, who will mark the Number Roll upon the Back of the Deed; but if the Deed shall happen to be of a prior Term, then call at the *Nisi prius* Office No. 12. *Holborn Court*, in *Gray's Inn*, for the Number Roll, and pay 5*s.* 4*d.*

Fees for Inrolling in this Court.

	Officer's Charge.	Attorney's Charge,
Acknowledging in Court — —	0 3 0	0 3 0
Before a Judge at his Chambers —	0 8 8	0 8 8
For a Judge's Fiat — —	0 2 6	0 2 6
Inrolling each Sheet — —	0 0 3	0 0 8
Docqueting and carrying in Rolls	0 3 6	0 3 6
Besides common Attendances.		

In the Common Pleas.

Carry the Deed to a Judge of this Court, either at his Chambers, or at Home; or, if in Term Time, it may be done at *Westminster Hall*; if a Bargain and Sale, one of the Parties must attend and acknowledge it; but if the Deed requires only a Judge's *Fiat*, then the Party need not attend, for the *Fiat* is granted of Course by the Judge, and is as well as the Acknowledgment, the Officer's Warrant for inrolling the Deed, the Acknowledgment or *Fiat* is wrote on the Margin of the Deed generally by the Judge's Clerk: The Form of the Acknowledgment is;

The Execution of this Deed was acknowledged (in Court) by *A. B. (the Person acknowledging)* Party thereto, this 20th Day of *April 1772*, before *H. G. (the Judge's Name.)*

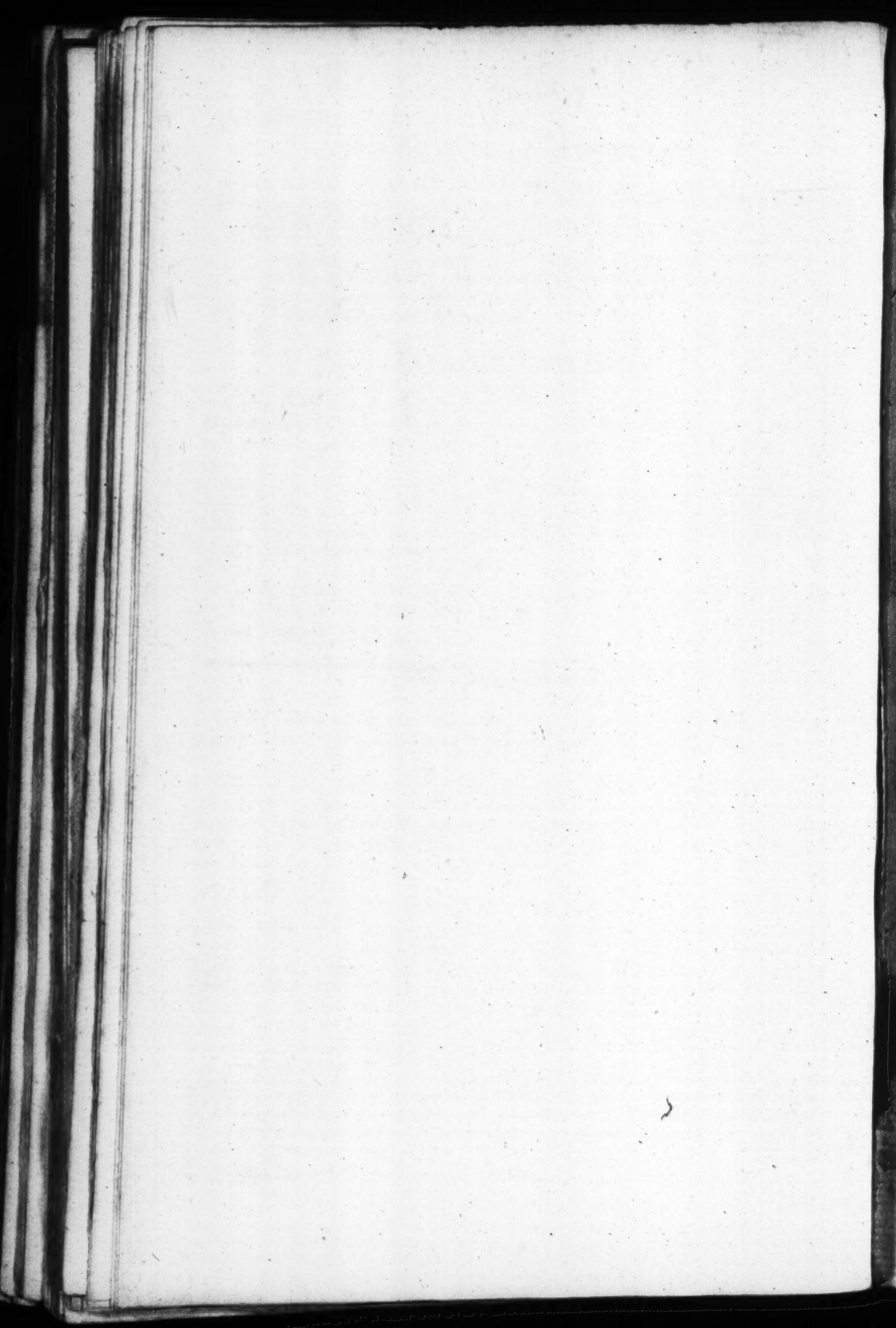
The Form of the Fiat.

Let this Deed be inrolled in his Majesty's Court of Common Pleas at *Westminster*, dated this 20th Day of *April 1772*, *H. G. (the Judge's Name.)*

If a Roman Catholick Deed, add the Words, *pursuant to the Act of Parliament* immediately after the Word *Westminster*; then call at the Warrant of Attorney Office in *Clifford's Inn* for Rolls, for which you pay nothing. Ingross the Deed upon these Rolls, if the Deed is acknowledged. Begin with this Form:

A. B. (the Party acknowledging) came into his Majesty's Court of Common Pleas, at *Westminster*, (these Words to be inserted if the Deed be acknowledged in Court) the 20th Day of *April*, in this same Term, before Sir *Henry Gould*, Knight, (the Judge before whom the Acknowledgment is taken) one of the Justices of the said Court, and acknowledged this Writing following to be his Deed, and required the same to be inrolled, and it is inrolled, in these Word, to wit, This Indenture, &c.——But if the Deed is not acknowledged, and only a *Fiat* thereon, then there is no Preamble, only begin with the Deed, copying every Word, the Names of the Parties signing making a Mark for the Seals, and then the Attestations, and also the Receipts (if any;) and last of all the *Fiat*. After examining it, carry it to the Warrant of Attorney Office, and the Clerk there will indorse, docquet, and inroll it immediately without Delay; for it is not necessary in this Court, as in the King's Bench, for the Attorney to indorse the Deed, or carry in any Docquet,





the Clerk in the Office being obliged to do all that himself, and also, if desired to ingross the Deed upon the Rolls.

All Deeds inrolled in this Court, and also all Recoveries are docketed, or entered in an alphabetical Order in this Office, for the Convenience of those who may have Occasion to make Searches, or take Copies or Extracts.

Fees for inrolling in this Court.

		Officer's Charge.			Attorney's Charge.		
Acknowledging in Court	— —	0	1	0	0	1	0
Before a Judge at his Chambers	—	0	5	0	0	5	0
For a Judge's <i>Fiat</i>	— —	0	2	6	0	2	6
Inrolling each Sheet	— —	0	0	3	0	0	8
Docketing	— —	0	1	9	9	3	4
With the common Attendances,							

T A B L E.

T A B L E.

	Page 4	Non Omittas.	Page 5
ACTIONS,	Ibid.	Non Pros,	16
Affidavits,	6	Notice of Trial,	12
Appearance,	5	Outlawry,	24
Attachment of Privil.	19 to 21	Original,	29
Attornies,	3	Paper Book,	12
Articled Clerks and Attornies,	6, 7	Parliament,	29
Bail,	5	Peers,	Ibid.
Bill of <i>Middlesex</i> ,	13	Pleas,	11
Brief,	5	<i>Posse</i> ,	15
<i>Capias</i> ,	13	Prisoners,	17
Causes,	27	Process,	5
Costs,	13	Prohibition,	25
Countermand of Notice of Trial,	9, 10	Record,	13
Declarations,	41	Recoveries,	35 to 41
Deeds,	27	Rejoinder,	12
Distress,	14	Replevin,	27
<i>Distr' Jur'</i> ,	21 to 24	Replication,	12
Ejectment,	15	Rolls,	15
Execution,	30 to 34	Rule to Plead,	11
Fines,	26	Special Original,	29
<i>Habeas Corpus</i> ,	14	<i>Subpena</i> ,	14
<i>Ha' Corpora</i> ,	11	Surrender and Discharge of Bail,	8, 15.
Imprarlance,	16	Taxation,	27
Inquiry,	46	Terms and their Returns,	42, 43, 44, 45
Inrolment of Deeds,	12	<i>Test. Ca.</i>	5
Issue,	15, 16	Trial,	14, 15
Judgment,	5	<i>Venire faciat.</i>	13
Latitat,	29		
Members of Parliament,	26		
Money into Court,			

To prevent any *Imposition* upon the Publick, Mess. B. TOVEY, and P. URIEL, the Proprietors, think it necessary to distinguish such Copies as are *Correct*, by subscribing either of their Names to this Notice.

F I N I S.

Ed. G. M. B.

Page 5

16

12

24

29

12

29

Ibid.

11

15

17

5

25

13

to 41

12

27

12

15

11

29

14

, 8,

15.

27

43,

, 45

5

, 15

13

and

uch

this